

# **JOURNAL**

OF THE

## **HOUSE OF REPRESENTATIVES**

OF THE

### **STATE OF ALABAMA,**

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD  
MONDAY IN NOVEMBER, 1838,

BEING THE TENTH ANNUAL SESSION,

OF THE

**GENERAL ASSEMBLY OF SAID STATE.**

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# JOURNAL

## OF THE

### HOUSE OF REPRESENTATIVES.

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MONDAY, NOVEMBER 17<sup>th</sup> 1828.

ON Monday the seventeenth day of November, in the year of our Lord, one thousand eight hundred and twenty-eight, the following members of the House of Representatives appeared, were duly qualified and took their seats, to wit:

*From the County of Blount*—William H. Musgrove, and David Rogers.

*Bibb*—James B. Clark, and Alexander Hill.

*Baldwin*—David Mims.

*Butler*—Nathan Cook.

*Clark*—William Mobly.

*Conecuh and Covington*—Joseph P. Clough, and James Salter.

*Dallas*—Erasmus Walker, John A. Tarver, & Ezekiel Pickens.

*Franklin*—John Lewis and Benjamin Hudson.

*Fayette*—Samuel Parker.

*Greene*—Edward B. Colgin, James B. Gage, and Daniel B. Richardson,

*Henry and Dale*—Josiah D. Cawthon.

*Jackson*—James Russell, Philip H. Armbrister, James Smith, and Starnes S. Wellborn.

*Jefferson*—John Brown, and John M. Dupuy.

*Limestone*—William Edmondson, Thomas Bibb, and William Sanders.

*Lauderdale*—Francis Durrett, Joseph L. D. Smith and William George.

*Lawrence*—David Wallis, Thomas Coopwood, and William Hodges.

*Madison*—Samuel Walker, Clement C. Clay, Thomas Fearn, William Brandon and James Penn.

*Morgan*—James T. Sykes, Benajah S. Bibb, and Thomas McElderry.

*Marion*—William H. Duke and James Metcalfe.

*Montgomery*—Dixon H. Lewis, Elias Bonnell, and James E. Belser.

*Marengo*—William Anderson.

*Monroe*—Enoch Parsons, Samuel Dale and Benjamin C. Foster.

*Mobile*—John W. Townsend and Thomas H. Lane.

*Perry*—George Weissinger, David Cole and Martin A. Lea.

*Pike*—Andrew C. Townsend.

*St. Clair*—John Massey and Thomas M. Barker.

*Shelby*—Joab Lawler, and Samuel W. Mardis.

*Tuscaloosa*—Willis Banks, Hardin Perkins, Benjamin Whitfield and Seth Barton.

*Washington*—Ptolemy Harris.

Mr. Terry in the chair: The House then proceeded to the election of a

Speaker.—Clement C. Clay, one of the members from the county of Madison, being in nomination: Clement C. Clay having received all the votes given, was declared duly elected, conducted to the chair, and made his acknowledgements to the House for the honor conferred, was qualified and entered upon the discharge of his duties.

The House then proceeded to the election of a Principal Clerk; whereupon Thos. B. Tunstall was duly elected, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk; whereupon Aaron Ready was duly elected, was qualified, and entered upon the discharge of his duties.

The House then proceeded to the election of a Doorkeeper; whereupon John Tatom was duly elected, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Engrossing Clerk; whereupon William B. McClellan was duly elected, was qualified, and entered upon the discharge of the duties of his office.

And then the House adjourned till to-morrow morning, 10 o'clock.

*Tuesday, November 18th, 1828.*

The House met pursuant to adjournment.

A message was received from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—I am directed to inform this House that a quorum of the Senate have assembled, have elected the Hon. Nicholas Davis, of Limestone, their President; Francis S. Lyon, Secretary; George W. Crabb, Assistant Secretary; James A. Bates, Doorkeeper, and are ready to proceed to business.

On motion of Mr Parsons, *Resolved*, That the Senate be informed that a quorum of the House of Representatives have assembled, have elected the Hon. Clement C. Clay their Speaker; Thomas B. Tunstall, Principal Clerk; Aaron Ready, Assistant Clerk; William B. McClellan, Engrossing Clerk; John Tatom, Doorkeeper, and are now ready to proceed to business.

Allen Robison, a member from the county of Wilcox, appeared, was qualified, and took his seat.

On motion of Mr Perkins, *Ordered*, That Messrs Grantland and Moody have a seat within the bar of this House, for the purpose of taking the minutes of its proceedings.

Mr Durrett offered the following resolution: *Resolved*, That the following standing committees be appointed, to wit:

*A Committee on Privileges and Elections; a Committee on Propositions and Grievances; a Committee on Enrolled Bills; a Committee on Inland Navigation; a Committee on Roads, Bridges and Ferries; a Committee on Ways and Means; a Committee on the Military; a Committee on the Judiciary; a Committee on County Boundaries; a Committee on Schools, Colleges and Universities, and School and University Lands; a Committee on Accounts; a Committee on Divorce and Alimony; a Committee on the State Bank; a Committee on Lands appropriated for the Improvement of Navigation.*

Mr Terry moved to amend the resolution, by adding the words, "*A Committee on the Public Printing*," which was carried. The resolution as amended was then adopted.

On motion of Mr Coopwood, *Resolved*, That a committee of two members be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate to wait on his excellency the Governor and inform him that the two Houses are now organized,



and ready to receive any communication he may please to make; whereupon Messrs Coopwood and Banks were appointed said committee.

On motion of Mr Barton, *Resolved*, That the commissioners of the public buildings be authorized to contract for and furnish this House, as soon as practicable, with ten additional tables and chairs for the use of this House.

On motion of Mr Parsons, *Resolved*, That the Rules of Order in force at the last session be adopted as the Rules of this House until otherwise ordered. *Ordered*, that one hundred copies of said rules be printed for the use of the members of this House.

A message from the Senate, by Mr Lyon: Mr Speaker—The Senate have appointed a committee on their part, consisting of Messrs McVay and Pickett, to join such committee as have been or may be appointed on the part of the House of Representatives, to wait on the Governor and inform him that quorums of the two Houses of the General Assembly have assembled, and that the Legislature is ready to receive any communication he may think proper to make.

Mr Barton moved to reconsider the vote taken on the adoption of the resolution authorizing the commissioners of the public buildings to contract for and furnish this House, as soon as practicable, with ten additional tables and chairs for the use of this House; which was carried. Mr Barton then offered the following amendment: "With as many additional chairs and tables as may be necessary," which was carried. It was then adopted.

Mr Coopwood offered the following resolution: *Resolved*, That a select Committee be appointed to take into consideration the subject of lands sold in this State under the credit system, with instructions to report a Memorial to the Congress of the United States, asking such relief for the land debtors as to them may seem best calculated to relieve their present distresses.

Mr Parsons offered the following amendment: "*And be it further Resolved*, that said committee inquire what relief, if any, ought to be requested of Congress in favor of purchasers of public land, who have paid the agreed price, and whether a pre-emption ought to be requested in favor of actual settlers for any part of the lands they respectively have improved, and been compelled, for want of means, to relinquish."

Mr Coopwood moved that the Resolution, together with the amendment, lie on the table till to-morrow; which was carried.

On motion of Mr Terry, *Resolved*, That a committee, to consist of three members, be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to form such joint rules as may be necessary for the government of the two Houses: Whereupon Messrs Walker of Madison, Terry and Perkins, were appointed said committee.

Mr Coopwood, from the select committee appointed on the part of this House to act with the committee appointed on the part of the Senate, to wait on his excellency the Governor, reported that they have discharged that duty, and received for answer, that His Excellency will communicate, by message, this day at the hour of 12 o'clock.

And then the House adjourned till 12 o'clock.

*Twelve o'clock*—The House met pursuant to adjournment. A message was received from the Governor, by James I. Thornton, secretary of state, which he handed in at the Speaker's Chair, and then withdrew. The said communication was in writing, and is as follows:

EXECUTIVE DEPARTMENT, TUSCALOOSA, Nov. 18th, 1828.

*To the Honourable, the Members of the Senate and House of Representatives.*

Fellow Citizens—The constitutional obligation which devolves on me, at the opening of your present session, cannot fail to inspire emotions of pleasure, accompanied with a serious consciousness that I occupy a relation to you, and to our country, which imposes important duty, and subjects to deep responsibility. The confidence which I feel in your wisdom, patriotism, and enlightened public intelligence, support to alleviate the concern which arises out of the consideration of public objects as you will no doubt prove more than equal to all the high demands of your exalted and honourable stations. Whatever imperfection may be found in the Department which I have the honour to fill, your combined wisdom will furnish the remedy and the supply. You possess a recent evidence of the confidence of the people. To you they have confided the management of their present interests, and entrusted with you, at least in some degree, the regulation of their future prospects. Your individual relations to your country, are merged in your representative character. The cares of thousands are deposited on your shoulders; of thousands whose warm and generous reliance is alike honourable to them and to you. My co-operation with you, I trust will be ardent and devoted; and it will be my duty to submit to your consideration, without reserve or cautious hesitancy, such measures as are the dictates of an understanding which humbly claims to be honest, however limited, and of a zeal for the public interest, which may easily be mistaken, but which is conscious of being ardent and sincere. Our chief reliance however, must rest on the influences and direction of that Gracious and Supreme Being, who stoops to notice the affairs of men, and to whom all people and all nations peculiarly belong. To the great author of all blessings, it is our peculiar privilege and most incumbent duty, to render a constant tribute of gratitude, and to repose all our concerns on Him, whose benign power is able to effect all the purposes of wisdom and of goodness. And let us not enter upon our public labours before we have called into special and grateful review, the favours which have crowned the year, the health which has so universally prevailed, the early and the latter rain which have cherished for us the fruits of the earth. In short, the peace and enjoyment which have attended the numerous blessings of a benignant Providence

It is delightful to observe that there are many evidences of the growing prosperity of our country, and but few circumstances which militate against the attainment of that political happiness to which, I trust, our affairs are constantly tending. The comforts of competence, if not the abundance and splendors of wealth, are widely and generally diffused. The embarrassment consequent upon former errors still continues with a serious degree of pressure; but the burden is constantly diminishing, and industry, combined with suitable economy, will soon entirely remove it. There is already an evident attention to those moral and intellectual improvements which contribute to the rational dignity, sober wisdom, and decent frugality of private life. The future and increasing prosperity of the people, will much depend upon the public sentiments which are cherished, the honourable estimation in which industry and frugality may be held, the discouragement of every species of luxury and show which are unconnected with use; the cultivation of that correct taste which prefers elegant simplicity of manners, to the burdensome and ruinous glare of undistinguishing luxury, or mistaken refinement. The more rational and virtuous any people may be, the more simple is the cast of their lives and manners. They alone can preserve that dear and justly valued independence, which the idle, the luxurious, and the splendid, can never continue to enjoy. We are creatures of imitation, and there is a call on all public functionaries, on all individuals having influence in the circles in which they move, to furnish the correct example upon which the public manners may be formed. It is confessed that we are required to act rather than to legislate on subjects of this nature; but what enlightened patriot can refuse to benefit his country, either in the halls of legislation, or in the tranquil walks of private life.

The policy of the General Government in the late imposition of an increased tariff on certain imported articles, has excited much apprehension here, as well as in other states of the Union. It probably will have a material influence in checking our prosperity, unless promptly avail ourselves of every means within our reach

to obviate or lessen its injurious consequences. It may not be profitable here, to use terms of harshness and reprobation in regard to this measure which it may justly deserve, but to consider it as a thing which exists, at least, under the forms of the constitution which must be counteracted in all its bad tendencies on our prosperity, while it continues to exist, and which must be removed as soon as possible, in the ordinary and regular way prescribed by our Federal Institutions. That every country should encourage, to a certain extent, its own internal resources, consists with a wise, just and liberal policy. This ensures a more abundant supply in the general market of all nations, and guards particular communities against occasional difficulties in procuring essential articles, or the enhanced and unreasonable price which would be consequent on a supply short of the pressing demand. But this encouragement may be carried so far as to prove more injurious than useful, and hence the proper degree of it, has occupied the wisdom of politicians and political economists in every age. It would seem to be a plain dictate of reason, if it be not also confirmed by experience, that it ought not to be carried so far as to exclude general and active intercourse with other nations. Every country is able to add something to the general stock of convenience and prosperity, and in a just and natural proportion, imparts and receives the advantages resulting from mutual intercourse.

The great author of all, to whom the happiness of every country and of every nation is alike the object of beneficent concern, seems to have ordained, and to have pointed out in the general arrangements of nature, that the maximum of happiness is to be acquired by the liberal communication of mankind with each other. The means of this necessary communication are amply provided; for oceans are made to roll, and rivers to flow, that men might have the opportunity to assist each other, by the exchange of the various productions, which all have some peculiar facility to acquire, resulting either from nature or from art. The principle of selfishness, cherished by individuals or nations, is not likely to result in permanent advantages. If it be suited to any condition of the human family, it must be to that rude and barbarous state in which the impulses of the passions are strong, the exercises of reason circumscribed, the sense of justice unimproved and precarious. But in the present condition of the civilized world, whatever delightful visions of insulated happiness any theoretic politician may be disposed to indulge, it will probably be found by experience, that entire independence on the resources of other nations, excluding intercourse with them, is not desirable, if it could be obtained, and not likely to benefit any people, either in the facilities of living, or the improvement of the moral and intellectual powers. The just point seems to be to carry encouragement so far as to prevent too much dependence on others, and to operate as a source of constant and healthful competition, beneficial to all parties. But general reasonings aside, there is a peculiarity in our situation which renders this measure of fearful importance, and makes it well calculated to awaken the most reasonable anxiety. The staple production of the State—the article on which almost all our labour is bestowed—is placed by it in an attitude so doubtful, that it is impossible, with any certainty, to calculate its future value. Nor is our situation less precarious in the purchase of those articles which are of indispensable necessity to us. It must be considered a matter of absolute certainty, that the tariff will effect, in a material degree, the price of all our staple production. The tariff imposed amounts to a virtual prohibition; and those with whom we have heretofore dealt in the raw material, and received in return, their manufactured articles, will cease the purchase of the material from us, because the purchase will have become disadvantageous to them. A market will be sought where the material may be purchased with the manufactured article.—We shall therefore be left to the home market, cherished so much at our expense, and not subjected to competition from any quarter, in which situation we may reasonably expect the usual consequences of dealing at the mercy of parties interested. There is no security in such a dependent and degraded condition, for the apprehension of interest will always prove stronger than the sense of justice, or dictate of liberality. We shall be forced to buy the manufactured article which we need, and sell the raw material on which rests all our hopes of profit, at the prices which others may prescribe without our being able to interpose any competition or restraint.—

We shall be exposed to a double monopoly in the purchase and the sale. The most obvious, and indeed the only remedy which depends exclusively on us, is to commence manufacturing ourselves. We raise the raw material, and I believe we have the means to manufacture it to advantage. A portion of the slave population may thus be profitably employed, which at present are not efficient in the severe labours of the farm. Many who are now an expense to their proprietors, would prove to be useful operators in a manufacturing establishment. Employment would also be afforded to needy and indigent persons, who could not derive equal profit or convenience from ordinary labour. Cotton, and perhaps wool factories to a certain extent, would prove highly beneficial to all, while the present uncertain state of our affairs may continue; and even after the wisdom and justice of the country may have removed all cause of apprehension or complaint. They would afford to the grower of the raw material, the advantage of obtaining the manufactured article to the extent of his wants, by a direct and immediate exchange. There can be no hazard of ultimate loss by carrying manufactures to a certain extent, proportioned to the demands of the country. Encouragement will thus be given to the consumption of our staple in every thing to which the use of it may be adapted. Until we shall be able to resort to labour-saving methods of operation, domestic industry in the ordinary way, should be made to furnish our supplies, as much as possible. By this system, especially if aided by more simple and economical habits of living, we shall be enabled the better to struggle against the current of adversity with which we are threatened. If a fair price cannot be obtained for our staple in a crude state, our only recourse is to manufacture it, and send the surplus to the home and foreign markets. If manufactures are profitable to any, why may they not be made profitable to us, who have labour which we may advantageously employ in this way, and who can receive the raw material immediately from the grower, without the addition of any adventitious charge? I am inclined to believe it will be found in experience, that slave labour will prove extremely well adapted to manufactures. It can be perfectly commanded, and reliance upon it will be subject to fewer disappointments, than usually happen in the voluntary labour. There must be less embarrassing collision between the proprietors and the workmen, and several causes will combine to render the entire cost of the labour comparatively less. The tariff, indeed, forces us into manufactures before the country has progressed to that state at which they usually take their rise; but considering the circumstances of our peculiar situation, and the fluctuating incidents of that trade of which our staple composes the commodity, our being forced into early manufactures may not operate to our ultimate disadvantage. It will enable us to sell the raw material at a fair price, or to obtain a fair price for it, by converting it into manufactured articles. We shall become ourselves, in any case of necessity, the competitors of those who would otherwise have a monopoly in our trade. It will place us in an attitude, in which we can, without much inconvenience, advance or recede. The tariff, which threatens us with great embarrassment, cannot have the merit of proving beneficial to the great family of the Union. It forces us to enter into premature competition with those of our fellow citizens in other states, who, without manufactures, cannot increase greatly in population or wealth. Perhaps those who are in favour of the tariff, might be disposed to excuse us, even if we should not feel much solicitude in the success of their business, and indeed great concern seems not to have been manifested in a matter involving vital interests to us. Time, which tests all things, will soon discover the bearing of this measure. In the meanwhile we must not be wanting in energy, but use the means of self-preservation which lie within our reach. I would therefore respectfully recommend public encouragement to the manufacture of cotton and woollen fabrics, by the loan of money, the taking of shares, a temporary bounty upon the operation, or by such other and more suitable methods as the wisdom of the General Assembly may devise. By this, and the other expedients proposed, we shall do for our own preservation, every thing which depends exclusively upon ourselves. We have a right to expect, when we can justly claim it, a favourable interposition on the part of the government of the United States. If the measure can be shown to be unjust, unequal, oppressive, impolitic, unconstitutional; if it increases the prosperity of a portion of our citizens, by a correspondent sub-

duction from the labour of others; if it arrays manufactures against the agriculture of any portion of the country, when they ought to proceed in harmonious and auxiliary co-operation; if it will subject the industry of one part, to the arbitrary and interested arbitrament of another; if it will exclude from a profitable intercourse with other countries, by committing to the discretion of a monopoly in our own; if it will disturb the harmony of the Union, by alarming the necessary and patriotic sentiments of self preservation; if it will weaken the conviction that the common government cannot cease to be equal, just, and paternal; if it will soon bring the excise man, or gatherer of direct taxes to every door; if it will lessen the confidence of safety which is felt under the ægis of the Federal Constitution; if it be the only productive of a portion of these or other evils; or if the honest apprehension of them be such as no force of reasoning can remove, we have a right to expect a speedy interposition from the justice and policy of the government of the United States. These subjects furnish abundant materials for a free but temperate memorial to Congress, and impose a duty which the representatives of the people will not be inclined to omit. It is our privilege to speak out our grievances, and it is the duty of the General Government to hear and redress them. With regard to the principles involved in the Tariff, both of constitutional law and sound policy, we may doubtless with safety confide in the ordinary means of redress under the constitution. There cannot be cause to fear that the representative principle will prove insufficient to obtain all just rights in such cases, and a reliance on the moral and political justice of the Union, ought not to be easily shaken. An unwise measure, unequal, unjust, and unconstitutional, the frailty of man may occasionally suffer to pass; but can such a measure abide the touch of continual scrutiny, or can it continue to resist the influence of moral and political justice in the hearts of our brethren? Surely in our past experience, we have had no reason to conclude, that the moral integrity of the Union, which in fact constitutes our last and best hope, has become altogether extinguished; and that unrestrained selfishness, in violation of every principle of moral and political honesty, is permitted, or will be permitted to continue to influence the measures of government. Although this erroneous impression is far from us, and from our sister states alike affected, still we claim a dispassionate exposition of error, and would submit temperate remonstrance when our rights or interests are injuriously affected. In a review of the course here recommended, we cannot be blamed by our fellow citizens for taking care of ourselves; it cannot be strange that we should remonstrate, and seek to repeal a measure which is, as we conceive, injurious to all, and we cannot but obtain the approbation of all wise and good men, when we do all this in a way not to disturb the harmony of the Union, or occasion mutual distrust and exacerbation inconsistent with the liberal prosecution of our common affairs. If the harmony of the Union should be subjected to temporary interruption, a thing which is designed by none, and which the good sense of the nation would not easily permit, let it ever be the boast of Alabama, that neither in manner, or in matter, did she contribute to it.

In connection with other means to advance the prosperity of the State, our attention is called to the munificent donation obtained from the Congress of the United States, of 400,000 acres of land, designed to open a canal around the obstruction of the Tennessee River, at the Muscle Shoals, and to improve by the balance, if any should remain, the other rivers of the State. We are greatly indebted to the zeal and ability of our Representatives, and to the liberal sentiments which actuated the Congress of the United States. The work will prove highly interesting to the Union, as well as to the people of this State, and of the States adjacent. It remains with us to make the most judicious application of it, to accomplish at an early and given period its principal object, and to economize it with such care as to carry its benefits to the greatest possible extent. It is most obvious good policy, and is consonant with the present improved maxims of political economy, not to suffer any public fund to perish in its first application, but as much as possible to operate upon its proceeds, and save the principal as a source of perpetual benefit. In the present instance if this can be done, and at the same time comply with all the requisitions annexed to the gift, incalculable advantages may be secured to the State, in other valuable improvements extensive and general. The gift will be enhanced in

its value in a ratio great and unknown. The various methods of accomplishing the work may be reduced to the three following, viz:—By letting it out in convenient sections, upon previous estimate, to the lowest or to an approved bidder—by hiring hands to effect it under public superintendence, or by purchasing hands to labour in the service of the State. The comparative eligibility of these three methods may be estimated by the time required, the goodness of the work when done, and the expense of its final completion. It may not be amiss to consider briefly the objections to which each method is liable. The first would be liable to loss from the imperfection of estimates, as no prudent man, either with or without experience in such operations, would be inclined to make a close contract, where many uncertainties prevailed. In a bad or inferior contract under this method, the work would be executed in the cheapest and most imperfect manner, which the vigilance of the superintendent could permit; and it is scarcely possible in such cases to be so vigilant as to defeat the multifarious subterfuges and expedients which self interest will devise. Should any contract prove confessedly a bad one, importunate application would be made for exaggerated further allowance. The superintendence would be more difficult, for the most perfect contracts admit of difference of opinion, in which the individual contractor would generally gain the advantage of the public agent. Time, in some instances, and money too, might be lost by a refusal to go on with a contract. It is unnecessary here to be more particular, for it is evident that this method is liable to loss of money and of time, being also unfavourable to the most perfect execution of the work.

The second method would indeed be favourable to the proper accomplishment of the work, but unfavourable in point of expense and of time. There would always be uncertainty in procuring hands, and those who had hands to hire, might take occasion from the public necessity, to hold back and combine so as to enhance the price. There would be more difficulty in the management of the hands, as proprietors might be unreasonable in their expectation of the treatment which they should receive, and the quantity of work daily required of them. In our peculiar situation the third method seems to combine the three essential advantages. Hands it is presumed may readily be purchased at a reasonable price, and from time to time, to the full extent of our disposable means, and sufficient to accomplish the work within the time prescribed in the donation. In this way the work would only cost the interest on the money invested; the loss sustained on the property by death or casualty, the subsistence of the hands, and the charges of superintendence.—The work would be accomplished without any difficulty in its details, and with just reference to its durability and usefulness. With the effective hands, it might be convenient to purchase a suitable number of women, to cook, wash, and perhaps perform the lighter parts of the work, and this would be perfectly consistent with the humanity of purchasing men with their wives, whenever such opportunities of purchase might offer. Their working implements and clothing should be purchased to the best advantage, a good physician employed to attend them in sickness, with ample hospital stores, and such means of comfort as the sick might require.—At suitable places along the canal, the hands might cultivate without much expense or loss of time, the vegetables which would be proper to promote their comfort, and the preservation of their health. It might be so arranged that they could work on the canal during the sickly season, at points least exposed to sickness or fatality. It is supposed that in this way, the work might be accomplished in due time, and a large proportion of the fund be preserved for future operations, extending their benefits to every part of the State. This corps of pioneers, organized and instructed in the operations of the canal, might afterwards be employed on Rail Roads, Turnpike roads, improving the navigation of our rivers, and opening other canals where the public good might require. The State would have the means to perpetuate this corps, as long as its operations would prove useful to the community. In this mode of husbanding the public resources which have fallen into our hands, it is not visionary to suppose, that much public good, exceeding perhaps the present computation of any one, might be ultimately effected; and it cannot but delight the patriot, to contemplate benefits extending to all, connecting the whole in affection and interest, and improving the common property to produce the greatest amount of common

good. Calculations will be made in another part of this communication, and will be seen more fully in the exhibits which will accompany it. But here a proper place is offered for general remarks which have an important bearing on this subject. It will long continue more or less doubtful what sum may be necessary to open the Tennessee Canal, adapted to the passage of Steam Boats, and indeed whether the entire donation will be competent to effect it, without resorting to expedients to make the funds as effective as possible. This furnishes an argument in favour of the recommendation which is made. If the fund should prove inadequate, it may be much more easy to obtain additional time, than an additional donation. It is very uncertain, from present indications, what changes a few years may produce in the policy of the Government on subjects of this nature. It will therefore be wise to adopt such a course, as will make the donation at least adequate in its principle object, if it cannot be made to effect more. We are required by the act of Congress to apply the proceeds of the donation to the objects only for which it was made. This will be faithfully done when we resort to suitable expedients to give it the greatest possible effect in the accomplishment of those objects alone. We are not required to spend it without contrivance or economy. The donation contemplates more objects than one; we fulfil its design when we arrange for the accomplishment of all, if that should happen to be in our power.

The best manner of disposing of the Lands, so as to render available the amount of the donation, requires a careful and deliberate inquiry. It is desirable to dispose of the Lands giving due attention to the public interest, and the peculiar situation of our citizens who now reside on them. They were not exempt from the extraordinary mania which led us to place an enormous value on good Lands in this State, and to purchase at prices so high, that a period of sober reflection and better experience, as well as inability to pay, led to very extensive relinquishment under the humane acts of Congress which were passed for our relief. They had expectation of further relief from the General Government in the repurchase of their land, and now when that relief can be no longer contemplated, they are entitled to a measure of justice and generosity from the State—It is wrong therefore to say that the land should be made to bring as much as it can. It is sufficient that it be made to bring a fair and equitable price assessed upon its real & intrinsic value. The quantity of relinquished land, in the six counties enumerated in the act of Congress, is 497,219 acres. Out of this quantity we are entitled to 400,000 acres. Congress has not reserved to the Government the right of designation, nor provided expressly by whom it should be made, but has permitted us to take in those counties 400,000 acres, if there be so much in them, and if not, the balance we are authorised to take in Jackson county. Had we had occasion to go to Jackson county, we should evidently have had the right of selection there. If the quantity in the six counties had been precisely 400,000 acres, we should have been obliged to have taken the whole of it, in satisfaction of the donation given, and there would have been no room for selection.

But as the quantity is 497,219 acres, and as 400,000 acres of them have been given to us, without any restriction, and without reservation of right on the part of the Government to declare what particular part shall constitute the donation given to us, it is a matter of necessary and inevitable implication, that we have the right to make the selection ourselves, confining it within the bounds prescribed by the act. We have an undeniable right to receive the gift, precisely on the terms on which it was given. So much for the legal construction of the Act of Congress. Plans for the disposal of this land, and the application of the proceeds, will probably be submitted, more judicious than any I may have been able to devise; but I regard it my public duty to submit something on this subject to the consideration of the General Assembly. I would therefore recommend, that commissioners be appointed to select the quantity of land to which we are entitled, and at the time of the selection to assess its fair and equitable value. That the land shall be brought into market as soon as the proper arrangements can be made, at the assessed price as the minimum for which it shall be sold.—That the actual settler, or rightful occupant shall be entitled to a preference, at the assessed value, in the purchase of a quantity sufficient to make him a reasonable settlement, comprising his improvements as much as possible, say not exceeding 320 acres, and his preference to avail him no farther. That one



fourth of the purchase money shall be required to be paid down, and the balance in eight equal annual instalments, each instalment bearing an interest of six per centum per annum, from the day of the sale. That suitable provision be made to secure punctuality in payment, and that the purchaser shall have the option to pay the whole or any part not due, at any time he may find it convenient. Should the outlines of this plan meet your approbation, your wisdom will devise all the necessary details. If it be thought objectionable that a preference should be given to any one, let it be recollected that it is at the assessed value, and only to such a quantity as will secure to him a home, where he may long have exerted his labor, and from which he would be unwilling to remove, and from which indeed, if he gives the value, the humanity of the State ought not to permit him to be removed. Can the State desire more from any citizen in the purchase of his home, than its real value estimated by commissioners acting under every solemnity? But after having purchased his home, if any one should choose to accumulate an estate in land, let him come freely into the market with others, at the assessed price as a minimum; for all further purchase is matter of speculation, and may be left to the competition of a public sale. All that is not taken up under the preference, may freely come into market at public auction. And here I beg leave to observe, that as the lands must be selected, there will be no inconvenience in the assessment of their value and such an assessment will be far preferable to an arbitrary minimum by classification. The purchaser may be content to give the assessed price, as the money which he pays will be applied to render his purchase more valuable. But the most difficult part of this subject remains to be considered, I mean the best and most economical application of the money to accomplish the objects to which it is devoted. I beg leave to submit the result of an anxious and mature deliberation, which however may prove to be erroneous, but the fallacy of which I have not been able to detect. I consider it probable that the 400,000 acres will sell at an average of five dollars per acre, and will realize the amount of two millions of dollars. It is impossible to be accurate, but I give my views of the application of the fund on the above data, and it cannot be material to the principle whether the sum be greater or less. The plan itself too may admit of suitable modifications, if the principle of it should be approved. I suppose at the first sale, we might receive 500,000 dolls. as the fourth of the purchase money required to be paid down. Of this sum, \$225,000 might be laid out in the purchase of 500 able bodied slaves to work on the canal. Fifty thousand dollars should be retained in hand, for the purchase of working implements, and to defray the charges of subsistence and superintendence. The remaining sum of \$225,000 might be vested in the establishment of an Office of Discount and Deposit of the State Bank, to be located at some convenient point in the Tennessee Valley. This institution might be made to operate on the safest and most secure principles of Banking. The notes for the eight annual instalments might be deposited in this office and there made payable. The money retained in hand might be deposited there for the payment of demands against the canal.—It will be necessary in any event to create an agency for the registry of the lands, and the preservation of the money and notes, all which might be conveniently transacted at the office. At the commencement of the second year, the profits of the office at 8 per cent. would be \$1,800, and the interest on the first annual instalment would be \$11,250, making an aggregate of \$29,250, equal to the current expenses of the second year. Of the principal of the first annual instalment, say \$187,500, there might be vested as capital of the office \$87,500, which would make its capital for the second year, three hundred and twelve thousand five hundred dollars, and the balance of 100,000 dollars, might be applied to the purchase of 250 slaves. At the end of the second year the profits of the office would be \$25,000, and the interest of the second annual instalment would be 22,500, making an aggregate of \$47,500, equal to the current expenses of the third year. Of the principal of the 2d annual instalment there might be vested \$87,500, as capital of the office, which would make its capital for the 3rd year \$400,000, and the balance of \$100,000 in the purchase of 250 slaves. At the end of the 3rd year the profits of the office would be \$32,000, the interest of the third annual instalment of 33,750, making an aggregate of \$65,000, equal to the expenses of the fourth year. The principal of the third annual instalment might be entirely vested in the purchase of 460 slaves,



and the increase of the capital of the office discontinued. At the end of the fourth year, the profits of the office would be \$32,000 and the interest on the fourth annual instalment would be \$45,000, making an aggregate of \$77,000, equal to the current expenses of the 5th year. The principal of the fourth annual instalment might be vested in the purchase of 460 slaves. At the end of the fifth year the profits of the office would be \$32,000, the interest on the fifth annual instalment would be \$56,250, making an aggregate of \$86,250 equal to the current expenses of the sixth year. The principal of the 5th annual instalment might be laid out in the purchase of 460 additional slaves. This calculation will be seen fully carried out in exhibit marked A. from which it will appear, that at the end of the 8th year, the laboring force on the Canal might be upwards of 3,300 hands, and the principal of the eighth annual instalment of \$187,500 remaining still in hand for the purchase of more, or any other application. It will be seen from exhibit marked [B] that the annual profit of the office, and the interest on the instalments will be sufficient for the current annual expenditures. I have heretofore mentioned, that this calculation was mainly intended to manifest and develop the principles of the operation. The sum received at the 1st sale may not exceed 3-4 or perhaps 1-2 of \$500,000, and the result will only justify a proportionate amount of effect; still very good provisions would seem to be made for the accomplishment of the Canal, and every succeeding year, by further sales, would make the actual state of the business approximate more nearly to the hypothetical calculation. The evident design of this scheme is to ensure the accomplishment of the objects of the donation by the mode of applying it and to save as much as possible the principal of the donation itself, that it might be afterwards applied to the performance of other objects of deep and lasting interests to the community in every part of the State. It seems to be susceptible of easy and faithful execution, and for any thing that can now be apprehended, the result promises to be inevitable. It is difficult to ascertain what quantity of such work a given number of hands may be able to perform in a given time; if however we should be urged by the time prescribed in the donation, other resources of the State devoted to similar objects, might be made to afford temporary aid to this fund, which would soon again be in a condition to reimburse it. No doubt if we should desire it, additional time would readily be given, when there could be no apprehension of the full and final completion of the work. It is but just to remark, that there will be labor on the canal which the ordinary hands will not be able to perform, although it will be an easy matter to procure many mechanics among them, and that horses, carts, and labor saving fixtures, will occasion additional charges. This cannot substantially affect the calculation, for as much as will be taken from it in money for these purposes, will in effect be added to it in the execution of the work. It is highly desirable that the work should be performed in a short time; the scheme proposed is conceived to be favorable to this object, while it ensures its completion by the fund devoted to it, and the completion of other works which might render it doubly valuable. If this fund can be economized and preserved, and made to operate in conjunction with our other means, we may have the gratification at no very remote period, of seeing all the rivers of the State improved, and the markets of Mobile and New-Orleans alike opened to the fertile and extensive Valley of the Tennessee River. Even along the route of the canal, rail roads, or turnpike roads, and means of easy communication with it, would prove of essential advantage, and extend its benefits in a more equable manner.—Should the General Assembly not think it expedient to vest any portion of the money in an office of Discount and Deposit, I would beg leave to recommend the purchase of hands with the money, as it will be from time to time received, reserving only a sufficient sum to meet the current expenses. This mode although not productive of equal economy and convenience, will still accomplish the work, and eventuate in a great saving of the principal fund. The letting out of the work in sections will entirely consume the capital so far as those contracts are made. The hiring of hands will be equally destructive of the capital, and leave it uncertain whether the fund will prove sufficient. The deficiency of the fund would involve us in new and troublesome uncertainties. It may be hard to obtain, what by proper economy we may avoid the necessity of seeking. This subject is submitted to your wisdom and patriotism, with a confidence entire and unlimited, and with a solicitude which it would be culpable not to feel.

The length to which the present communication has already been drawn, inclines me to reserve for early & future attention some important subjects which were intended to be included in this communication. You will perceive by the report of John Elliott, Esq. Solicitor of the 1st Judicial Circuit, which I have the pleasure herewith to transmit; that in the proceedings against the Tombeckbee Bank, a judgment has been entered, *pro forma*, in favour of the Bank, that the subject of controversy might come up for adjudication before the Supreme Court of the State.

This cause will probably be determined at the next Session of the court. Messrs. Bagby and Salle, were employed as counsel assistant to the Solicitor. I submit to the liberality of the General Assembly, whether the services of the Solicitor do not entitle him in this case, to special remuneration independent of the salary attached to his office.

In the case of the State, against the corporation, styled "the St. Stephens' Steam Boat Company," I employed the Honorable Enoch Parsons as counsel assistant to the Attorney General, before the Supreme Court. The decision was against the corporation, and it has ceased, I believe, to exercise or claim any Banking privileges. I have not before me the report of the Attorney General, or of the assistant counsel. —When they are received, they will be immediately laid before you. I have the pleasure to announce to you that the buildings of the University of Alabama have been commenced. The board of Trustees, in March last, selected the site of the Institution, on a quarter section of University land, adjacent to, and eastward of the town of Tuscaloosa. The contracts for a portion of the buildings, have been made on very favorable terms. Materials of an excellent description are found in great abundance convenient to the site of the Institution. All the auspices under which this most interesting Seminary commences, seem to be very propitious. Let us indulge the hope, and let all proper measures be taken to realize it, that the light which it will diffuse, will contribute to the glory and security of the people by whom it is cherished, and to whose general benefit, all its arrangements will be directed.

The loan of \$100,000, authorized to be obtained for the State has not been negotiated. An extraordinary pressure in the money market, from causes known to the public, and fully developed in the reports of the agents, has prevented the negotiation. In a few days, when the reports, in part recently received, have been more fully prepared, they will be speedily submitted to you. Notices have been given to this Department, that the elections of Sheriffs, in the counties of Monroe, Autauga and Marengo, would be contested. In the county of Monroe, the candidate having the highest number of votes, under peculiar circumstances, which will be submitted to you if the contest is continued, received a commission, reserving the question still for your consideration, should the party incline to make it before you. —In the county of Autauga, the Coroner acts as Sheriff, until it is determined to whom the commission ought of right to issue, or whether a new election shall take place. In the county of Marengo, the Coroner being one of the two highest candidates, a special appointment was made to continue until your Hon. body might decide upon the election. It seems that no special provision is made for the trial and decision of such controversies. As it would be doing great violence to suppose that no means were provided, and no power competent to guard the purity of the elections of Sheriffs, or to obviate the consequences of misconduct or corruption in the management of them, I was led to look for the remedy in the plenary powers of the General Assembly. If the General Assembly is vested with power to decide, of which I could not doubt, it became necessary to provide for the public service, until the decision should be made. The temporary appointment was given, relying more on necessity than any express provision of law for its validity and justification. Perhaps the necessity may not render it valid, and I beg leave to invite your attention, at an early period, to this subject, that the public service may be provided for as you in your wisdom may direct. I cannot close this communication without the expression of a devout and fervent wish, that your deliberations may be conducted with wisdom and harmony, that the measures, which you may adopt, may prove a source of consolatory reflection to yourselves, and meet the fullest approbation of your country.

JOHN MURPHY.

## EXHIBIT [A]

Amount supposed to be received at the first sale,	\$500,000
Vested as Capital of office Discount and Deposit,	\$225,000
Vested in the purchase of 500 slaves,	225,000
Retained in hand for expenditures 1st year,	50,000
	<hr/>
	500,000

The annual instalments will be 187 500 dollars, being the 8th part of 1,500,000 dollars. The capital of the office 1st year, 225,000, 2d year, 312,600, 3rd year, 400,000.

And increase of it discontinued. Profit of Office at 8 per cent, and interest on 1st Instalment, 1st year, 59,220. 2d year, 47,500, 3d year, 65,750, 4th year, 77,000, 5th year, 88,250. 6th year, 99,500, 7th year, 110,750, 8th year, 122,000.

Profit of the Office and interest of 1st instalment provided for the current expenses of the 2d year, the first being provided for out of the capital, viz: 2d year, 29,250, 3d year, 47,500, 4th year, 65,750, 5th year, 77,000, 6th year, 88,250, 7th year, 99,500, 8th year, 110,750, 9th year, 122,000.

When the interest of the instalments will cease, and there will remain in hand the principal of the last instalment, 187,500 dollars.

Labourers working on the canal at the end of the 1st year, 500, 2d year, 750, 3d year, 1,000, 4th year, 1,460, 5th year, 1,920, 6th year, 2,380, 7th year, 2,840, 8th year, 3,300.

## EXHIBIT [B]

*Estimated expense of the second year of operations.*

750 hands at \$25 for clothing and subsistence,	\$18,750
5 overseers, at 400 dollars each,	2,000
Chief Engineer,	2,500
Assistant Engineer,	1,000
Physician, \$1,200:—Assistant \$500.	1,700
Commissary 1,000 dollars:—Assistant 300 dollars,	1,300
Hospital Stores,	500
Subsistence and contingencies,	3,300
	<hr/>
	\$30,500

Provision for the current expenses of the 2d year by profits of the office, and interest on the instalment,

\$29,250

Deficit for the second year,

1 250

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\$30,500

This deficit will occur only the second year. In every future year the aggregate of profits of the Bank, and the interest of the instalment for that year, will exceed the current expenditures, which excess may pay the charges of superintending Commissioners, or a Board of Public works, so far as there may be occasion for them.

Mr Walker, of Dallas, moved that said message lie on the table, and that 600 copies thereof be printed for the use of this House; which was carried.

And then the House adjourned till to-morrow morning, 10 o'clock.

*Wednesday, November 19th, 1828.*

The House met pursuant to adjournment.

Agreeably to a resolution of the House, Mr Speaker proceeded to appoint the following Standing Committees, to wit:

A Committee on Privileges and Elections; consisting of Messrs Terry, Brown, Duke, Hill, Coopwood and Weissinger

A Committee on Propositions and Grievances; consisting of Messrs Harris, Russell, Richardson, Anderson, Beiser, Hudson, Brandon and Salter.

A Committee on Enrolled Bills; consisting of Messrs Pickens, Clark, Walker of Dallas, Sykes, Broadnax and Sanders.

A Committee on Inland Navigation; consisting of Messrs Bibb of Limestone, Lewis of Franklin, Coopwood, Barton, Brandon, Mardis, Lewis of Montgomery, and Fearn.

A Committee in Roads, Bridges and Ferries; consisting of Messrs Golgin, Ambrister, Darrett, Banks, Foster, Cole, Lawler, and Hedges.

A Committee on Ways and Means; consisting of Messrs Lewis of Montgomery, Lane, Cook, Lewis of Franklin, Edmondson, Whitfield, Penn, and Mobley.

A Committee on the Military; consisting of Messrs Dale, Dupuy, Massey, Smit of Jackson, Wallis, Townsend of Pike, Adams and Musgrove.

A Committee on the Judiciary; consisting of Messrs Barron, Lewis of Montgomery, Walker of Dallas, Mardis, Parsons, Walker of Madison, and George.

A Committee on County Boundaries; consisting of Messrs Perkins, Terry, Weissinger, Gage, Rogers, Metcalfe, Clough, Parker, and Belser.

A Committee on Schools, Colleges and Universities, and School and University Lands; consisting of Messrs Parsons, Tarver, Fearn, Smith of Lauderdale, Townsend of Mobile, Barker, Bonnell and Bibb of Morgan.

A Committee on Accounts; consisting of Messrs Fearn, Penn, Cawthon, McElderry, and Lea.

A Committee on Divorce and Alimony; consisting of Messrs Mardis, Sanders, Wellborn, Robison, and Mims.

A Committee on the State Bank; consisting of Messrs Walker of Mad. Bibb of Limestone, Perkins, Broadnax, Coopwood, Harris, Pickens, and Bibb of Morgan.

A Committee on the Lands appropriated for the Improvement of Navigation; consisting of Messrs Fearn, Bibb of Limestone, Wallis, Smith of Lauderdale, Russell, Barton, Parsons, and Lewis of Montgomery.

A Committee on the Public Printing; consisting of Messrs Townsend of Mobile, Banks, Edmondson, Clark, and Bonnell.

Mr Terry presented the petition of the heirs and representatives of Josiah Durden, deceased, praying the passage of a law to authorize them to make title to a certain tract of land therein named; which was read and referred to a select committee, consisting of Messrs Terry, Broadnax and Belser.

Mr Anderson presented the petition of John E. Anderson, in relation to a contested election in Marengo county for sheriff; which was read and referred to the judiciary committee.

Mr Brown presented the petition of the representatives of John A. Frazier, deceased, praying the passage of a law to authorize them to make title to a certain tract of land therein named; which was read and referred to the committee on propositions and grievances.

Mr Walker, of Madison, presented the petition of John Vining, administrator of Thomas Vining, deceased, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee, consisting of Messrs Penn, Walker and Brandon.

Mr Clark presented the record and proceedings of the circuit court of Bibb county, exercising chancery jurisdiction, in the case of Leecy Lewis against Mordecai Lewis for divorce; which was read and referred to the committee on divorce and alimony.

On motion of Mr Terry, *Resolved*, that the Secretary of State be instructed to furnish this House with an abstract of the votes taken on the resolutions of the last session of the General Assembly, proposing amendments to the Constitution of this State, with regard to the tenure of the Judges.

Mr Coopwood moved to take from the table the resolution proposing to appoint a select committee to take into consideration the subject of lands sold in this state under the credit system, with instructions to report a memorial to the Congress of the United States, asking such relief for the land debtors as to them may seem best calculated to relieve their present distresses; which was carried. Mr Parsons asked leave to withdraw the amendment to the resolution; which was granted. Mr Coopwood then moved that the resolution lie on the table; which was carried.

Mr Wallis offered the following resolution: *Resolved*, with the concurrence of the Senate, that the two Houses will, on Saturday next, convene in the hall of the House of Representatives, at the hour of 12 o'clock, for

the purpose of electing a Senator to the Congress of the United States, for the ensuing six years. Mr Terry moved that it lie on the table; which was carried.

On motion of Mr Barton, *Resolved*, that 100 copies of the act of Congress, passed 23d May, 1828, entitled "An act to grant certain relinquished and unappropriated lands to the state of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," be printed for the use of this House.

A Message from the Senate, by Mr Lyon:

Mr. Speaker—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That there be a committee appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to procure stationery and fuel for the use of the General Assembly during the present session: they have appointed on their part Messrs Smith and Merrewether.—They have also adopted the following resolution: *Resolved*, That, with the concurrence of the House of Representatives, the Senate will convene in the Representative hall on Saturday next, at 3 o'clock, P.M. for the purpose of electing a Senator to the Congress of the United States, for the term of six years, from and after the expiration of the present term of service of the Hon. Wm. R. King; also a State Printer, Secretary of State, Comptroller and Treasurer; in which they desire your concurrence.—They have also adopted the following resolution, in which they ask your concurrence: *Resolved*, That a committee be appointed, to act jointly with a committee of the House of Representatives, to report rules for the government of each House in interchanging messages, the manner of conducting a joint vote of the two Houses of the General Assembly, and regulating committees of conference: they have appointed on their part Messrs Garth, Ross, and M'Vay.

*Ordered*, That the House concur in the resolution from the Senate, appointing a committee to procure stationery and fuel for the use of the General Assembly during the present session; whereupon Messrs Whitfield and Welborn were appointed said committee.

Mr. Bibb of Limestone moved that the resolution from the Senate proposing to go into the election of a Senator to the Congress of the U. States for the term of six years from and after the expiration of the present term of service of the Hon Wm. R. King; also a State Printer, Secretary of State, Comptroller and Treasurer, be laid on the table; which was carried.

*Ordered*, That the House concur in the resolution from the Senate, appointing a committee to act jointly with a committee of the House of Representatives to report rules for the government of each House in interchanging messages, the manner of conducting a joint vote of the two Houses of the General Assembly, and regulating committees of conference; whereupon Messrs Walker, of Mad. Terry and Perkins were appointed said committee.

And then the House adjourned until to-morrow morning, 10 o'clock.

*Thursday, November 20, 1828.*

The House met pursuant to adjournment.

Mr Lewis of Franklin presented the petition of sundry inhabitants of Franklin county, praying the passage of a law to authorise Claiborne Williams and his associates to turnpike a road therein named; which was read and referred to a select committee, consisting of Messrs Lewis of Frank. Hudson and Durrett.

Mr Fearn presented the petition of the Mayor and Aldermen of the town of Huntsville, praying an extension of the corporate limits of said town, which was read and referred to a select committee, consisting of Messrs Fearn, Brandon and Penn.

Mr Gage presented the petition of sundry inhabitants of Greene and Perry counties, praying the repeal of the law of the last session of the General Assembly, to establish a road from Montevallo to Greensborough; also a counter petition, praying that the law establishing said road may

continue and remain unchanged; which were severally read and referred to a select committee, consisting of messrs Gage, Lawler, Hill and Cole.

Mr Weissinger presented the petition of sundry inhabitants of Perry county, in relation to the road leading from Montevallo to Greensborough; which was read and referred to a select committee, consisting of messrs Gage, Lawler, Hill and Cole.

Mr Fearn presented the petition of Wm Smith, praying the passage of a law to exempt certain property within the corporate limits of the town of Huntsville from the corporation tax; which was read and referred to the committee on propositions and grievances.

Mr George presented the petition of sundry inhabitants of Lauderdale county, praying the establishment of a Ferry on Elk river, at the place where the old road from Florence to Athens crossed said river; which was read and referred to the committee on roads, bridges and ferries.

George H. Flourney, a member from the county of Pickens, appeared, was qualified, and took his seat.

Mr Fearn presented the petition of sundry inhabitants of Madison county, praying an amendment of the road laws; which was read and referred to the committee on roads, bridges and ferries.

Mr Fearn presented the petition of sundry inhabitants of Madison county, praying the passage of a law, authorising the County Court and Commissioners, when it shall be shewn to them that the public interest will not be injured, to apportion a part of the hands to work in draining ponds in lieu of the work they are required to do on public roads; which was read and referred to the committee on roads, bridges and ferries.

Mr Gage presented the petition of the heirs and representatives of Job Callaway, deceased, praying the passage of a law to authorise them to sell certain real estate therein named; which was read and referred to the judiciary committee.

Mr Penn presented the petition of John W. Hewlett, praying the passage of a law to authorise him to establish a ferry at Brownsborough; which was read and referred to the committee on roads, bridges and ferries.

Mr Penn presented the petition of the inhabitants of township No. 3, range No. 1, east of the basis maridian of Huntsville, praying the passage of a law to authorise the Trustees of the 16th Section in said township, to lease said section; which was read and referred to the committee on schools, colleges and universities, and school and university lands.

Mr Smith of Lauderdale presented the petition of E. B. Roundtree, praying the passage of a law to compensate him for taking the census of Lauderdale county in the year 1820; which was read and referred to the committee on propositions and grievances.

Mr Fearn presented the petition of sundry citizens of the town of Huntsville, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee, consisting of Messrs Penn, Walker of Madison and Brandon.

Mr Penn presented the record and proceedings of the Circuit Court of Madison county, exercising chancery jurisdiction, in the case of Elizabeth Littlepage against Thomas W. Littlepage for divorce; which was read and referred to the committee on divorce and alimony.

Mr Coopwood presented the petition of Hugh Weir, praying the passage of a law to allow said Weir to comply with the requisitions of an act to regulate the licensing of physicians to practice medicine; which was read and referred to a select committee, consisting of Messrs Coopwood, Hodges and Wallis.

Mr Clark presented the account of John Kunkle; which was read and referred to the committee on accounts.

Mr Tarver presented the petition of Sterling E. Harrison, jailor of Dallas county; which was read and referred to the committee on accounts.

Mr Lea presented the petition of sundry inhabitants of Perry county, praying the passage of a law to establish an election precinct at the old residence of John N. Weilies, in said county; which was read and referred to a select committee, consisting of Messrs Lea, Cole and Weissinger.

Mr Cook presented the account of the jailor of Butler county; which was read and referred to the committee on accounts.

Mr Lea presented the account of the jailor of Perry county; which was read and referred to the committee on accounts.

Mr Barker presented the petition of Adam Sheffield, praying an extension of the statute of limitations: and also that a fair-ground be established at his house, in St. Clair county, for the exhibition and sale of American stock, produce and manufactures; which was read and referred to the judiciary committee.

Mr Terry from the select committee to whom was referred the petition of the heirs and administrators of Josiah Durden, deceased, reported a bill to be entitled an act to authorise the administrators of Josiah Durden, deceased, to make a deed of conveyance to a certain tract of land therein mentioned, to Alfred C. Patillo; which was read a first time and ordered to be read a second time on to-morrow.

Mr Parsons offered the following resolution: Resolved, That a committee of three members of this House be appointed to consider of the propriety of the Legislature of Alabama addressing a suitable memorial to the Congress of the United States, asking further relief to the purchasers of public lands; and whether relief ought to be granted by Congress to such as now owe for their lands, such as have paid the agreed price, such as have relinquished lands which they have improved, and the actual settlers of unappropriated lands; and whether the sales of unappropriated lands ought to be postponed: and prepare and report to this House such memorial and address as in the opinion of the committee may be advisable. Mr Parsons then moved that the resolution lie on the table; which was carried.

Mr Mardis moved to add Messrs Lawler and Pickens to the committee on county boundaries; which was carried.

Mr Pickens moved to add Mr Clark to the committee on county boundaries; which was carried.

On motion of Mr Bibb of Limestone, Resolved, That the committee on the public printing be instructed to inquire and report to this house whether the public printer has faithfully discharged his duty.

On motion of Mr Belser, Resolved, that the committee on county boundaries be instructed to inquire into the expediency of forming a new county out of the lower part of Montgomery, and the upper parts of Dallas and Wilcox counties.

Mr Barton presented the Report of the President of the Bank of the State of Alabama; which was read and laid on the table. Ordered that 600 copies thereof together with the accompanying document, be printed for the use of this House.

Mr Speaker laid before the House the Report of the Comptroller, in relation to the disbursement of the contingent fund. Mr. Terry moved that it lie on the table; which was carried.

Mr Speaker laid before the House the record and proceedings of the

circuit court of Limestone county, exercising chancery jurisdiction, in the case of Clarissa Wade against George W. Wade for divorce; which was read and referred to the committee on divorce and alimony.

On motion of Mr Walker of Dallas, *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of levying a tax upon the capital employed by money dealers and brokers, with leave to report by bill or otherwise.

Mr Coopwood obtained leave to introduce a joint resolution, proposing amendments to the constitution of the State of Alabama; which was read a first time and ordered to be read a second time to-morrow.

Mr Terry moved to take from the table the message of his excellency the Governor; which was carried; and on motion of Mr Terry the House resolved itself into committee of the whole on the Governor's message, Mr Bibb of Limestone in the Chair, and after some time spent in the consideration thereof, the committee rose—Mr Speaker resumed the Chair, and Mr Bibb of Limestone reported the following resolutions: *Resolved*, that so much of the message of his Excellency as relates to the late Tariff, and the encouragement of domestic manufactures, be referred to a select committee to consist of five members, with leave to report by bill, memorial, or otherwise.

*Resolved*, That so much of the Governor's message as relates to the mode of disposing of the lands granted by the Congress of the United States for Internal Improvement, be referred to the committee on lands appropriated for the improvement of navigation. *Resolved*, That, that part of the Governor's message which relates to the application of the funds for internal improvement arising from the sales of the land granted by the Congress of the United States for the improvement of the Tennessee and other rivers in this State be referred to the committee on inland navigation.

*Resolved*, That so much of the Governor's message as relates to the contest of the elections of sheriffs for the counties of Monroe, Autauga and Marengo, be referred to the committee on the judiciary: all of which were severally read and adopted.

Agreeably to the first resolution, Mr Speaker appointed a select committee, to consist of messrs Lewis of Mont., Parsons, Barton, Fearn and Walker, of Dallas.

Mr Barton offered the following: *Resolved*, That in the opinion of this House it is inexpedient, nor have the General Assembly the power to authorise or direct (so far as the interests of private individuals are concerned) the transfer, sale or distribution of the real estate of Testators or intestates, by any act of special and retrospective legislation. Mr Barton then moved that the further consideration of said resolution be postponed till Monday next, which was carried.

Mr Fearn offered the following: *Resolved*, That, with the concurrence of the Senate, the committee on the public printing be instructed jointly with such committee as may be appointed for that purpose on the part of that body to contract for the printing necessary for the use of the two Houses of the Legislature until a state printer may be elected: Mr Clarke moved that it be laid on the table till to-morrow, which was carried.

Mr Coopwood moved to take from the table the resolution from the Senate, proposing to go into the election of a Senator to the Congress of the United States, a State Printer, Secretary of State, Comptroller and Treasurer; which was lost.

And then the House adjourned till to-morrow morning 10 o'clock.



*Friday, November 21, 1828.*

The House met pursuant to adjournment.

Samuel G. B. Adams, a member from the county of Pike appeared, was qualified and took his seat.

Mr. Terry presented the petition of John S. Smith, praying compensation for apprehending Peter Plunket, charged with horse stealing, which was read and referred to the committee on accounts.

Mr. Walker, of Dallas, presented the petition of sundry inhabitants of the counties of Dallas, Wilcox and Montgomery, praying the passage of a law to form a new county out of certain parts of said counties; which was read and referred to the committee on county boundaries.

Mr. Bonnell presented the petition of sundry inhabitants of Montgomery county, praying the passage of a law to form a new county out of certain parts of Montgomery, Dallas and Wilcox counties, which was read and referred to the committee on county boundaries.

Mr. Harris presented the accounts of George W. Myers, sheriff and jailor of Washington county; which were severally read and referred to the committee on accounts.

Mr. Coopwood presented the account of Joel W. Harris, jailor of Lawrence county; which was read and referred to the committee on accounts.

Mr. Russell presented the account of John H. Sneed, jailor of Jackson county; which was read and referred to the committee on accounts.

Mr. Smith, of Lauderdale, presented the record and proceedings of the circuit court of Lauderdale county, exercising chancery jurisdiction in the case of Hugh M'Vay against Shphia W. M'Vay for divorce, which was read and referred to the committee on divorce and alimony.

Mr. Harris from the committee on propositions and grievances, to whom was referred the petition of the representatives of John A. Frazier, deceased, reported a bill to be entitled an act authorizing the administrators of John A. Frazier, deceased, to convey a tract of land therein specified; which was read a first time and ordered to be read a second time to-morrow.

Mr. Harris from the committee on propositions and grievances, to which was referred the petition of William Smith, reported a bill to be entitled an act concerning the town of Huntsville; which was read a first time and ordered to be read a second time to-morrow.

Mr. Fearn from the select committee to which was referred the petition of the mayor and aldermen of the town of Huntsville, reported a bill to be entitled an act to amend an act entitled an act to amend the act incorporating the town of Huntsville, passed the 9th day of January, 1828; which was read a 1st time and ordered to be read a 2d time tomorrow.

Mr. Walker, of Madison, from the joint committee on the part of this House, to whom was referred a resolution from the Senate, appointing a committee to report rules for the government of each house, in interchanging messages, the manner of conducting a joint vote of the two Houses of the General Assembly, and regulating committees of conference, reported the following rules:—

*Rule 1.* In every case of amendment of a bill agreed to in one house and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committee shall at a convenient hour to be agreed on by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reason of their respective houses for and against the amendment and confer fully thereon.

*Rule 2.* When a message shall be sent from the Senate to the House of Representatives, it shall be forthwith announced by the Doorkeeper, at the door of the house, and shall be respectfully communicated to the chair by the bearer thereof, except the house is taking a question; and the same ceremony shall be observed when a message is sent from the House of Representatives to the Senate.

*Rule 3.* While bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

*Rule 4.* After a bill shall have passed both house, it shall be duly enrolled by the Clerk of the House of Representatives or Secretary of the Senate, as the bill may have originated, in one or the other house, before it shall be presented for signature.

*Rule 5.* When a bill or resolution, which shall have passed in one house, is rejected in the other, notice thereof shall be given to the house in which the same may have passed.

*Mr. Bibb*, of L. moved that the report be referred to the committee of the whole house, and be made the order of the day for Monday next; which was carried.

*Mr. Speaker* laid before the house a report of the Secretary of State, shewing an abstract of the votes taken on the resolutions of the last session of the General Assembly, proposing amendments to the Constitution of this State, with regard to the tenure of the Judges. *Mr. Terry* moved that it lie on the table; which was carried.

On motion of *Mr. Broadnax*, resolved, That this House will, at 11 o'clock to-day, proceed to elect a committee of three members, to act with such committee as may be appointed on the part of the Senate, to examine the situation of the State Bank according to an act of the General Assembly, in such case providing.

A message from the Senate by *Mr. Crabb*:—*Mr. Speaker*, I am desired to inform your honorable body, that the Senate have received the report of the joint committee, appointed by the two houses of this Legislature, to report rules for the government of each house in interchanging messages, the manner of conducting a joint vote of the two houses of the General Assembly, and regulating committees of conference, and have concurred in said report, and adopted the five rules reported by them; in which they desire your concurrence.—Ordered, that said message lie on the table.

*Mr. Mardis* obtained leave to introduce a bill to be entitled an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, approved Dec. 23, 1826, or so far as said act relates to the county of Shelby; which was read a first time and ordered to be read a second time on tomorrow.

On motion of *Mr. Terry*, Resolved That his excellency the Governor be requested to communicate to this house any evidence which may be in his possession in relation to the several contested elections for the office of sheriff in the counties of Monroe, Autauga and Marengo, and be further requested to inform this house at what period of time the commissions which have issued to Marengo and Monroe counties will expire.

*Mr. Walker* of Dallas, who voted in the majority, moved to reconsider the vote taken on the adoption of *Mr. Broadnax's* resolution, proposing to elect a committee of three members to act with such committee as may be appointed on the part of the Senate, to examine the situation of the State Bank, which was carried. *Mr. Walker* of Dallas then moved to

mend it by striking out the words *at eleven to-day*, with a view to insert the words *on to-morrow at twelve*; which was carried. The resolution was then adopted.

*Mr* Coopwood obtained leave to introduce a bill to be entitled an act to prevent retailing or otherwise disposing of spiritous liquors to slaves or free persons of color; which was read a first time and ordered to be read a second time on to-morrow.

A message from the Senate by *Mr* Crabb: *Mr Speaker*—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That the Senate will, on Saturday the 22d day of this inst. at the hour of 11 o'clock, A. M. proceed to the election of a committee on the part of the Senate, to act with such committee as may be elected by the House of Representatives, for the purpose of examining into the condition of the Bank of the State of Alabama, pursuant to the provisions of an act, entitled an act to amend the charter of the Bank of the State of Alabama, and that the House of Representatives be informed thereof. *Ordered*, That said resolution lie on the table.

*Mr* Lawler obtained leave to introduce a bill to be entitled An act to authorise the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo; which was read a first time and ordered to be read a second time on to-morrow.

*M* George obtained leave to introduce a bill to be entitled an act to reduce into one the several acts giving fees to justices of the peace and constables; which was read a first time and ordered to be read a second time on to-morrow.

*Mr* Barton offered the following: *Resolved*, That a special committee of five be appointed to examine the returns in the office of Secretary of State, on the subject of amending the Constitution, relative to the tenure of the judges, and report to this house the state of said returns; by whom and in what manner they have been made, and how far the requisites of the Constitution have been complied with, as the same shall appear in said returns. *Mr* Belser moved that it lie on the table; which was carried.

*Mr* Mardis obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to regulate the rate of interest; which was read a first time and ordered to be read a second time on to-morrow.

*Mr* Coopwood moved to take from the table the resolution proposing relief to the purchasers of public lands; which was carried. *Mr* Coopwood then moved to amend the resolution by striking out all after the word "Resolved," with a view to insert the following: "That a select committee be appointed, with instructions to report to this house, a memorial to the Congress of the United States, asking further relief to the citizens who hold land by certificates, either by indulgence for a longer time, or the privilege of surrendering their certificates and drawing stock for the amount they may have paid for said certificates, and to make said stock receivable in any of the land offices in this state at par with specie; and also, to ask in said memorial for a right of pre-emption in the entry of any unappropriated land now occupied or cultivated by any citizen of this state, to the amount of one quarter section. And further, if said committee should think it expedient or proper to ask relief for those who have paid for their lands, sold under the credit system." A division of the question being called for, the vote was first taken on striking out, which was carried. The question was then taken on the adoption of the amendment; which was carried. Yeas 47—Nays 24.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Adams, Ambriester, Anderson, Barker, Belser, Bibb of Limestone, Bibb of Morgan, Beane, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Duke, Dupuy, Durrett, Edmondson, Gage, George, Hill, Hodges, Hudson, Lane, Lea, Lewis of Franklin, Metcalfe, Musgrove, McElderry, Parker, Pickens, Richardson, Rogers, Russ, H. Sanders, Smith of Jackson, Smith of Lauderdale, Sykes, Walker of Dallas, Walker of Madison, Wallis, Weissinger, Welborn—47.

Those who voted in the negative are,

Messrs. Speaker, Banks, Barton Dale, Fearn, Flournoy, Foster, Harris, Lawler, Lewis of F. M. Mardis, Massey, Mims, Mobley, Parsons, Penn, Perkins, Robinson, Salter, Tarter, Perry, Townsend of M., Townsend, of Pike, Whitfield—24.

Mr. Barton offered the following amendment: *Resolved*, That said committee further consider of the propriety of the Legislature of Alabama addressing a suitable memorial to the Congress of the United States, asking further relief to the purchasers of public lands, and whether relief ought to be granted by Congress to such as now owe for their lands, such as have paid the agreed price, such as have relinquished lands which they have improved, and the actual settlers of unappropriated lands; and whether the sale of unappropriated lands ought to be postponed; and prepare and report to the House such memorial and address, as in the opinion of the committee may be advisable. Mr. Lewis of M. moved that the resolution, with the amendment, lie on the table; which was carried.

And the House adjourned until to-morrow morning 10 o'clock.

*Saturday, November 22, 1828.*

The house met pursuant to adjournment.

Mr. Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Bibb county, in the case of Leecy Lewis against Mordecai Lewis for divorce, reported a bill to be entitled an act to divorce Leecy Lewis from Mordicai Lewis; which was read a first time and ordered to be read a second time on Monday next.

Mr. Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Limestone county, in the case of Clarissa Wade against George W. Wade for divorce, reported a bill to be entitled an act to divorce Clarissa Wade from George W. Wade; which was read a first time and ordered to be read a second time on Monday next.

Mr. Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Lauderdale county, in the case of Hugh M'Vay against Sophia W. M'Vay, his wife, for divorce, reported a bill to be entitled an act to divorce Hugh M'Vay from Sophia W. M'Vay; which was read a first time and ordered to be read a second time on Monday next.

Mr. Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court Madison county, in the case of Elizabeth S. Littlepage against Thomas W. Littlepage, for divorce, reported a bill to be entitled an act to divorce Elizabeth S. Littlepage from Thomas W. Littlepage; which was read a first time and ordered to be read a second time on Monday next.

Mr. Gage, from the select committee, to which was referred the petition of sundry citizens of the counties of Greene and Perry, praying the passage of a law to discontinue the road lately laid out from Montevallo to Greensborough; and also, counter petitions on the same subject, reported that it is inexpedient to legislate on that subject. In which report the House concurred.

Mr. Lewis, of F. from the select committee to which was referred the petition of sundry inhabitants of Franklin county, praying the passage

of a law authorizing Claiborne Williams and his associates, to turnpike a road therein named, reported a bill to be entitled an act to authorize Claiborne Williams and his associates to turnpike a road therein named; which was read a first time and ordered to be read a second time on Monday next.

Mr Penn, from the select committee to which was referred the petition of John Vining, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read a first time and ordered to be read a second time on Monday next.

Mr Penn, from the select committee to which was referred the petition of sundry citizens of the town of Huntsville, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read a first time and ordered to be read a second time on Monday next.

On motion of Mr Barton, Ordered, that Messrs Penn and Mobley be added to the judiciary committee.

Mr Lewis of M. moved to take from the table the resolution proposing relief to the purchasers of public lands; which was carried. Mr Barton asked leave to withdraw the amendment which he offered on yesterday; which was granted. Mr Lewis, of M. then offered the following amendment:—"And be it further resolved, That said committee report a separate memorial to the Congress of the United States, expressive of the opinion of the House, as to the right of soil of this State to the unappropriated lands within its chartered limits; and that said committee suggest such measures, either in the memorial, or otherwise, as will most speedily secure to the State such right: *Provided*, they believe that by the constitution of the United States said right does exist: which was adopted. Mr Sanders moved to strike out of the first number of the resolution, the words "one quarter section;" which was lost.—And the question being put, shall the resolutions, as amended, be adopted? it was determined in the affirmative—Yeas 70—Nays none.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Branton, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, NElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Welborn, Whitfield.

A message from the Senate by Mr Crabb: Mr Speaker—I am directed to inform your Hon. body that in pursuance of the provisions of an act entitled an act to amend the charter of the Bank of the State of Alabama, they have elected on their part Messrs Watkins, Garth and Hubbard, a committee to act with such committee as may be appointed by the House of Representatives to examine into the condition of the Bank of the State of Alabama. Mr Terry moved that the message lie on the table; which was carried.

Mr Barton offered the following Resolution: *Resolved*, That so much of an act of the General Assembly, entitled an act to apportion the Representatives among the several counties, and divide the State into Senatorial Districts according to the late census, passed the 12th of January, 1828, as apportions to the counties of Conecuh and Covington jointly, two members to the Representative Branch of the General Assembly, is repugnant to the constitution and void. Mr Terry moved that the further consider-

tion of said resolution be postponed till the first Monday in August next; which was carried. Yeas 62—Nays 9. The yeas and nays being desired, those who voted in the affirmative are, Mr Speaker, Adams, Ambrister, Anderson, Barker, Belser, Bibb of Lim. Bibb of Morgan, Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Foster, Gage, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobly, Musgrove, McElderry, Parker, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of Pike, Walker of D. Walker of M. Wallis, Weissinger and Welborn—62.

Those who voted in the negative are, Messrs Banks, Barton, Fearn, Flournoy, George, Parsons, Penn, Perkins and Whitfield—9.

Agreeably to a resolution of the House, the House proceeded to the election of a committee to examine into the condition of the Bank of the State of Alabama; whereupon Messrs Lewis of M. Walker of M. and Perkins were elected said committee.

Mr Lea obtained leave to introduce a bill to be entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside; which was read a first time and ordered to be read a second time on Monday next.

Mr Massey obtained leave to introduce a bill to be entitled an act to authorize Clerks of the circuit courts to take bonds of Sheriffs in certain cases; which was read a first time and ordered to be read a second time on Monday next.

Mr Hudson obtained leave to introduce a bill to be entitled an act for the relief of Sheriffs; which was read a first time and ordered to be read a second time on Monday next.

Mr Parker obtained leave to introduce a bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein contained; which was read a first time and ordered to be read a second time on Monday next.

Mr Fearn offered the following:—*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the existing laws as to provide more effectually against extortion by sheriffs, constables or other collecting officers; and whether it may not be proper to provide by law for their removal from office upon conviction of such offence.

*And be it further resolved*, That the said committee be instructed to inquire into the expediency of requiring by law, that all justices of the peace, previous to entering upon a discharge of the duties of their office, shall enter into bond with such security as shall be approved by the judge of the county court, conditioned for the faithful discharge of the duties thereof, in the safe keeping and paying over of the monies which may in virtue of their office come into their hands.

Mr Cook moved to amend the resolution by adding after the word "sheriffs," the words "and clerks of the circuit and county courts," which was carried—the resolution, as amended, was then adopted.

On motion of Mr Cook, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of prescribing a more speedy and less expensive mode of foreclosing mortgages, with leave to report by bill or otherwise.

Mr Mobley presented the account of James Savage which was read and referred to the committee on accounts.

*Mr Anderson* presented the account of John E. Anderson, which was read and *referred* to the committee on accounts.

A message from the Senate by *Mr. Crabb*:—*Mr. Speaker*, I am directed by the Senate to inform your honourable body that they have read three times, and passed bills of the following titles, to wit:—An act to authorize Lewis Tyus, of Autauga county, to emancipate certain slaves therein named; and an act relating to penal statutes; in which they desire your concurrence.

Engrossed bills from the Senate of the following titles, to wit:—An act to authorize Lewis Tyus, of Autauga county, to emancipate certain slaves therein named; and an act relating to penal statutes, which were severally read a first time, and ordered to be read a second time on Monday next. And then the House adjourned till Monday morning 10 o'clock.

*Monday, November 24, 1828.*

The House met pursuant to adjournment.

*Mr Walker*, of Dallas, presented the petition of Middleton G. Woods, a minor, praying the passage of a law, authorizing him to manage his own estate; which was read and laid on the table.

Agreeably to a resolution adopted by the house, on Saturday last, in relation to the purchasers of public lands, the following were appointed a committee, to consist of Messrs. Coopwood, Parsons, Lewis of M. Barton and Pickens.

*Mr Barker* presented the petition of sundry inhabitants of St. Clair county, praying that jurisdiction may be extended over a certain part of the Cherokee nation, therein named; which was read and *referred* to the judiciary committee.

*Mr Dale* presented a memorial from the officers of the Bank of the State of Alabama, praying an exemption from military duty; which was read and *referred* to the military committee.

*Mr Flournoy* presented the petition of sundry inhabitants of Pickens county, praying the passage of a law to compensate petit jurors: which was read and *referred* to a select committee, consisting of Messrs Flournoy, Parker and Metcalfe.

*Mr Cook* presented the account of the sheriff of Covington county; which was read and *referred* to the committee on accounts.

*Mr Weissinger* presented the account of Jesse B. Nave, sheriff of Perry county; which was read and *referred* to the committee on accounts.

*Mr Barker* presented the account of Austin Hood; which was read and *referred* to the committee on accounts.

*Mr Musgrove* presented the petition of sundry inhabitants of Blount county, praying the passage of a law for the preventing distempered stock of cattle being driven through the upper end of this State; which was read and *referred* to the committee on propositions and grievances.

*Mr M'Elderry* presented the account of Joel D. Harris, jailer of Lawrence county; which was read and *referred* to the committee on accounts.

*Mr M'Elderry* presented the record and proceedings of the circuit court of Morgan county, exercising chancery jurisdiction in the case of Matilda S. Chunn, by her next friend, John W. Read against Launcelot Chunn for divorce; which was read and *referred* to the committee on divorce and alimony.

*Mr Musgrove* presented the petition of sundry inhabitants of Blount county, praying the passage of a law to restore Henry Linton to the rights of citizenship; which was read and laid on the table.

*Mr Coopwood* presented the accounts of James B. Wallace and Argyle

Campbell; which were severally read and *referred* to the committee on accounts.

Mr Russell presented the report of the Quarter-master General; which was read and *referred* to the military committee.

Mr Colgin, from the committee on roads, bridges and ferries, to which was referred the petition of John W. Hewlett, praying the passage of a law to authorize him to keep a private ferry on Flint river, reported that the prayer of the petition is unreasonable, and ought not to be granted. Mr Penn moved that the report lie on the table until Friday next, which was carried.

Mr Barton, from the judiciary committee, to which was *referred* the petition of Adam Sheffield, praying that the statutes of limitation be extended for his benefit, to prevent the loss of a sum of money, which those statutes have barred the recovery of; and further praying the establishment of a fair ground at his house, for the exhibition of American stock, manufactures and produce; and further praying a repeal of the law authorizing the body to be taken in execution, and substituting therefor a law compelling defendants to labour, Reported, that the several prayers of the petitioner are unreasonable, and ought not to be granted; in which report the House concurred.

Mr Colgin, from the committee on roads, bridges and ferries, to which was *referred* the petition of sundry citizens of Madison county, praying the passage of a law, to authorize the judge of the county court, and commissioners of revenue and roads of Madison county, to apportion a part of the hands liable to work on roads, to drain certain ponds therein named; reported that the prayer of the petitioners is unreasonable, and ought not to be granted.

Mr Fearn then moved that the report and accompanying documents be reported to a select committee; whereupon Messrs. Brandon and Penn were appointed said committee.

On motion of Mr Sanders, *Resolved*, That the committee on the state bank be, and are hereby instructed to inquire into the expediency and necessity of establishing a branch of the state bank in the northern part of this state, at the most suitable and convenient point within the Tennessee Valley, and that they have leave to report by bill or otherwise.

A message was received from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, November 22, 1828.

*To the Honorable the Speaker and Members of the House of Representatives:*

Gentlemen—I have just received the resolution of your honorable body, requesting a communication of the evidence in possession of this department in relation to the contested elections of sheriffs in Monroe, Autauga and Marengo counties, and what time the commissions issued for Monroe and Marengo will expire. I have the pleasure to transmit the notices which were given to this department, that the elections in those counties would be contested, and the communications which were received in the several cases of contests. I also sought and received information from the kindness and public spirit of several members of the general assembly, who will have an opportunity of fully imparting it to you. The commission for Marengo will expire when the general assembly decide upon the case. The commission for Monroe is also liable for your decision, but was given under circumstances which differ from the case in Marengo. I transmit you certificates received from the managers of the election in Monroe county, that they did not receive notice of the contest. From such an omission of the necessary steps to prosecute a contest, I thought it probable there would be none, and therefore issued a commission to the highest candidate, who had been returned elected by the sheriff without any express limitation in the commission itself. You will, however, find among the documents, that it was not to be considered preclusive of a contest, as indeed it could not in any case be, but to remain liable to be revoked for any just cause. In Marengo, the necessary incipient measures to prosecute a contest, had been taken, and a special commission was



Issued. You will see the form of it by a rough minute of the instruction given to the Secretary of State. I have the honor to be, most respectfully, your obedient servant,  
Signed JOHN MURPHY.

*Ordered*, That said message, together with the accompanying documents, be *referred* to the judiciary committee.

Mr Walker of Dallas obtained leave to introduce a bill to be entitled an act to authorize Middleton G. Woods, a minor, to manage his own estate; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and *referred* to the judiciary committee.

On motion of Mr Bibb of Limestone, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the existing laws as to exempt jurors who may fail to attend, from the payment of costs, in cases where the judge shall deem his excuse for such non-attendance reasonable and just.

On motion of Mr Lea, *Resolved*, That the judiciary committee be *required* to inquire into the expediency of repealing or amending the law, which requires the holders of bills, bonds, notes, or other instruments to institute joint suits against the maker or makers, or endorser or endorsers, on or before the next term of the court of the proper county, after defalcation in the payment, and said committee report by bill or otherwise.

Mr Lawler offered the following resolution: *Resolved*, That a select committee, to consist of three members, be appointed to inquire into the expediency of drafting a suitable memorial to the congress of the United States, asking a donation of so much of the relinquished lands, lying in the middle and southern sections of this state, as will be of value sufficient to improve the navigation of the Coosa river, so as to admit of the passage of steam boats; also, that the congress of the United States use their best exertions to obtain such portion of that tract of country lying in the Cherokee Nation, as will be sufficient to construct a canal, upon having for its object the connecting the waters of the Coosa and Tennessee rivers. Mr Harris moved to amend the resolution, by inserting after the word "Coosa," the words "Tombeckhe and Black Warrior," which was carried. Mr Clark moved to amend it, by inserting after the word "Warrior," the word "Cahawba," which was carried. Mr Pickens moved to amend it, by inserting after the word "Cahawba" the word "Alabama," which was carried. Mr Cook moved to amend it, by inserting after the word "Alabama" the word "Conecuh," which was carried. Mr Belser moved to amend it, by inserting after the word "Conecuh" the word "Tallapoosa," which was carried. Mr Lewis of Montgomery moved to amend it, by inserting after the word "Tallapoosa" the word "Pea," which was carried. The resolution as amended was then adopted.

On motion of Mr Lea, *Resolved*, That the judiciary committee be instructed to inquire as to the propriety of repealing so much of a law of this state, as prevents defendants from taking advantage upon motions in arrest of judgment, or upon writs of error of matters apparent upon the record, unless the same has been demurred to, with leave to report by bill or otherwise.

On motion of Mr Coopwood, *Resolved*, That a standing committee be appointed of the state capital; whereupon Messrs Coopwood, Banks, Lane, Richardson, George, Brandon, Harris and Flournoy were appointed said committee.

On motion of Mr Parsons, *Resolved*, That the judiciary committee inquire whether the law for the regulation of proceedings in courts of chancery of this state require additional rules or amendments, with leave to report by bill or otherwise.

Mr George obtained leave to introduce a bill to be entitled an act to exempt non-slave holders from patrol duty; which was read a first time and ordered to be read a second time to-morrow.

Mr Parker offered the following: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the law of 1826, which prohibits the importation of slaves into this state for sale or hire. Mr Fearn moved that the further consideration of said resolution be indefinitely postponed; which was lost. Yeas 7—Nays 62.

The yeas and nays being desired, those who voted in the affirmative are Messrs Ambriester, Belser, Cook, Fearn, Lawler, Mardis and Russell, 7.

Those who voted in the negative are Messrs. Speaker, Adams, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Coopwood, Dale, Dupuy, Durrett, Edmondson, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lea, Lewis of F. Lewis of M. Massey, Metcalfe, Mims, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Welborn and Whitfield, 62.

*Mr Fearn* moved to amend the resolution, by striking out all after the word *Resolved*—with a view to insert the following: That the committee on the judiciary be instructed to inquire into the expediency of so amending the existing laws, as to prevent the further introduction of slaves into this State, unless it be by persons emigrating to this State, and owning the same. *Mr Flournoy* moved to amend *Mr Fearn's* amendment with the following: before the words, "by persons emigrating" insert "by the citizens of this State importing their own slaves not for the purpose of speculation or," which was carried. Yeas 49—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Speaker, Adams, Anderson, Banks, Barker, Barton, Bibb of L. Brandon, Broadnax, Brown, Cawthon, Clough, Colgin, Coopwood, Duke, Dupuy, Durrett, Edmondson, Flournoy, Foster, George, Harris, Hodges, Hudson, Lewis of F. Massey, Metcalfe, Mims, Mobly, Musgrove, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Salter, Sanders, Smith, of J. Smith of L. Sykes, Terry, Townsend of P. Walker of D. Walker of M. Wallis, Welborn and Whitfield, 49.

Those who voted in the negative are Messrs. Ambrister, Belser, Bibb of M. Bonnell, Clark, Cole, Dale, Fearn, Gage, Hill, Lane, Lawler, Lea, Lewis of M. Mardis, McElderry, Robinson, Russell, Tarver, Townsend of M. Weissinger, 21.

A division of the question being called for, the vote was first taken on striking out all after the word *Resolved*, which was lost. Yeas 20—Nays 51.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Ambrister, Banks, Belser, Broadnax, Cook, Fearn, Lawler, Lea, Mardis, Mobly, McElderry, Penn, Pickens, Russell, Smith of J. Sykes, Terry, Weissinger, Whitfield 20.

Those who voted in the negative are, Messrs Adams, Anderson, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Brown, Clark, Cawthon, Clough, Cole, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lewis of F. Lewis of M. Massey, Metcalfe, Mims, Musgrove, Parker, Parsons, Perkins, Richardson, Robinson, Rogers, Salter, Sanders, Smith, of Land. Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Welborn, 51. And the question being put, Shall this resolution be adopted? it was determined in the affirmative.

*Mr Flournoy* obtained leave to introduce a bill to be entitled, an act to amend the several laws respecting bail in civil and criminal cases; which was read a first time and *ordered* to be read a second time on to-morrow.

On motion of *Mr Broadnax*, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of revising, or changing the mode of selecting jurors for the trial of persons charged with capital offences.

*Mr Townsend of Pike* obtained leave to introduce a bill, to be entitled an act to establish certain election precincts therein specified: which was read a first time and *ordered* to be read a second time on to-morrow.

On motion of *Mr Colgin*, *Resolved*, That a standing committee on agriculture and manufactures be appointed, to consist of five members, whose duty it shall be, to consider of the means of promoting the agricultural and manufacturing interests of this State. Whereupon, Messrs Bibb of L. Colgin, Terry, Weissinger and Smith of Land. were appointed said committee.

The house then proceeded to the orders of the day. The house then resolved itself into a committee of the whole, on the report of the joint committee to draft Rules for the government of the two Houses. *Mr Clark* in the Chair, and after some time spent in the consideration of the same, the committee rose, and *Mr Speaker* resumed the chair, and *Mr chairman* reported the rules without amendment; all of which were severally concurred in and adopted by the House.

*Mr Adams* obtained leave to introduce a bill to be entitled an act to annex a part of the county of Dale to the county of Pike; which was read a first time, and *ordered* to be read a second time onto-morrow.

And then the house adjourned till to-morrow morning 9 o'clock.

*Tuesday, Nov. 25.*

The house met pursuant to adjournment.

*Mr Fearn* presented the memorial of John Boardman, of the town of Huntsville, praying that his lots in said town be exempt from the corporation tax; which was read. *Ordered* that said memorial lie on the table.

*Mr Barker* presented the petition of Elizabeth Hester, administratrix of Joseph Hester, deceased, praying the passage of a law to authorize her to sell certain real estate therein mentioned; which was read and *referred* to the judiciary committee.

The Speaker laid before the house a memorial from a number of merchants, citizens and ship masters of the city of Mobile, recommending Daniel McGibbon as a fit and proper person for Harbor Master for the port of Mobile, which was read and laid on the table. The house then proceeded to the orders of the day. Bills of the following titles to wit: an act to authorize the administrators of Josiah Durden deceased, to make a deed of conveyance to a certain tract of land therein mentioned to Alfred C. Patillo; an act authorizing the administrators of John A. Frazier, deceased, to convey a tract of land therein specified; an act to repeal an act, entitled an act to provide for the payment of petit jurors in certain counties therein named, approved December 22, 1826, so far as said act relates to the county of Shelby; an act to divorce Leecy Lewis from Mordecai Lewis; an act to divorce Clarisa Wade from George W. Wade; an act to divorce Hugh McVay from Sophia W. McVay; an act to divorce Elizabeth S. Littlepage from Thomas W. Littlepage; and an act to authorize Claiborne Williams and his associates to turnpike a road therein named;—were severally read a second time, and *ordered* to be engrossed for a third reading on to-morrow.

A joint resolution, proposing amendments to the constitution of the State of Alabama, was under consideration. *Mr Coopwood* moved that it lie on the table; which was carried. *Mr Brandon* moved that one hundred copies thereof be printed for the use of this house; which was carried.

A bill to be entitled an act, concerning the town of Huntsville, was read a second time; *Mr Brandon* moved that it be recommitted to the committee on propositions and grievances; which was carried.

A bill to be entitled an act to amend an act entitled an act to amend the act incorporating the town of Huntsville, passed the 9th day of January, 1828, was read a second time and recommitted to a select committee, consisting of Messrs Fearn, Brandon and Penn.

*Mr Brandon*, who voted in the majority, moved to reconsider the vote taken to recommit the bill entitled an act concerning Huntsville, which was carried. *Mr Brandon* then asked leave to withdraw his motion to recommit the bill to the committee on propositions and grievances, which was granted. It was then referred to a select committee, consisting of Messrs Fearn, Brandon and Penn.

A bill to be entitled an act to prevent retailing or otherwise disposing of spirituous

liquors to slaves or free persons of color, was read a second time. Mr Coopwood moved that the bill be referred to a select committee; whereupon Messrs Coopwood, Wallis and Flournoy were appointed said committee.

A bill to be entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves, levied on by execution, at the town of Montevallo, was read a second time. Mr Mardis moved to amend the first section of the bill by adding after the word "house" the words "of said county;" which was carried. It was then ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to reduce into one the several acts giving fees to justices of the peace and constables, was read a second time. Mr Clark moved that it be referred to a select committee; whereupon Messrs Clark, Hill and Weissinger were appointed said committee.

A bill to be entitled an act to amend an act entitled an act to regulate the rate of interest, was read a second time. Mr Clark moved that it be referred to the judiciary committee; which was carried.

A bill to be entitled an act to emancipate a certain slave therein named was read a second time. Mr Coopwood moved to amend the bill by way of the following proviso: *Provided*, said slave leave this state within twelve months, and never return to reside therein; which was lost. It was then ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to emancipate a certain slave therein named, was read a second time. Mr Wallis moved to amend it by way of the following proviso: "*Provided*, said slave leave this state within nine months, and never return to reside therein;" which was lost. Yeas 26—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Adams, Anderson, Belser, Bibb of L. Bibb of M. Clough, Colgin, Coopwood, Darrett, Harris, Hill, Hodges, Hudson, Lane, Lewis of F. Metcalfe, Minis, Mobley, Parker, Salter, Smith of Laud. Sykes, Townsend of M. Townsend of P. Wallis—26.

Those who voted in the negative are, Messrs Ambrister, Banks, Barker, Barton, Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Cole, Dale, Duke, Dupuy, Edmondson, Fearn, Foster, Gage, George, Lawler, Lea, Mardis, Massey, Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Russell, Sanders, Smith of J. Tarver, Terry, Walker of D. Walker of M. Weissinger, Welborn, and Whitfield—42. It was then ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to prevent the citizens of this state from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, was read a second time and referred to the judiciary committee.

A message from the Senate, by Mr Crabb: Mr Speaker—I am instructed to inform the house of representatives, that the Senate have adopted the following resolution, in which they desire the concurrence of the house: *Resolved*, That a committee of three members be appointed on the part of the senate, to act with such committee as may be appointed by the house of representatives, to examine the returns of the votes of the citizens, given at the last general elections, on the proposed amendment of the constitution, in relation to the tenure of the judges' office; and to report to the senate whether the returns of the officers conducting said elections, in the several counties in this state, are made in conformity to the constitution; and that said committee be vested with full power and authority to carry into effect such measures as they, in their wisdom, may think most advisable, to cause defaulting officers to make returns of said elections, and to cause inaccurate returns to be correctly returned to the secretary of state by the proper officers, if practicable, during the present session of the general assembly. Mr Coopwood moved to amend the resolution by adding after the word "senate," in the latter part of the resolution, the words "and the house of representatives;" which was carried. Mr Barton moved that the resolution lie on the table till to-morrow; which was lost. The resolution as amended was then concurred in by the house: whereupon Messrs——— were appointed said committee. *Ordered*, That the clerk acquaint the senate therewith.

A bill to be entitled an act to authorize clerks of the circuit courts to take bonds of sheriffs in certain cases, was read a second time and referred to the judiciary committee.

A bill to be entitled an act for the relief of sheriffs was read a second time. Mr Weissinger moved that the bill lie on the table until Monday next; which was carried.

A bill to be entitled an act, in relation to riots, routs, assaults and batteries, affrays and breaches of the peace, was read a second time. Mr. Walker of Dallas moved that the bill be referred to the judiciary committee; which was carried.

Engrossed bill from the senate, entitled an act to authorize Lewis Tyus of Autauga county to emancipate certain slaves therein named, was read a second time, and laid on the table, on Mr. Terry's motion.

Engrossed bill from the senate, entitled an act relating to penal statutes, was read a second time and referred to the judiciary committee, on Mr Coopwood's motion.

A resolution in relation to the transfer, sale or distribution of the real estates of testators or intestates, by any act of special and retrospective legislation, was, on Mr Barton's motion, laid on the table.

A bill to be entitled an act to annex a part of the county of Dale to the county of Pike, was read a second time, and was, on motion of Mr Banks, referred to the committee on county boundaries.

A bill to be entitled an act to establish certain election precincts in the counties of Pike and Dale, was read a second time and referred to a select committee, consisting of Messrs Clark, Townsend of P. and Adams.

A bill to be entitled an act to amend the several laws respecting bail in civil and criminal cases, was, on motion of Mr Parsons, laid on the table.

A bill to be entitled an act to exempt non-slave holders from patrol duty, was read a second time. Mr Parsons then moved that the bill lie on the table till the first Monday in August next; which was carried. Yeas 39—Nays 20.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Adams, Ambrister, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brown, Cawthon, Cole, Colgin, Dale, Depuy, Fearn, Foster, Hill, Lane, Lawler, Lewis of F. Mardis, Massey, Mims, Mobley, McElderry, Parsons, Penn, Perkins, Richardson, Robinson, Rodgers, Saker, Sykes, Townsend of P. Walker of D. Welborne, Whitfield—39.

Those who voted in the negative are Messrs Anderson, Brandon, Broadnax, Clark, Clough, Coopwood, Duke, Durrett, Edmondson, Gage, George, Harris, Hodges, Hodson, Lea, Lewis of M. Metcalfe, Musgrove, Parker, Pickens, Russell, Saunders, Smith of J. Smith of Laud. Tarver, Terry, Townsend of M. Walker of M. Wallis, Weissinger—30.

On motion of Mr Penn, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the attachment laws of this state as more effectually to protect the rights of creditors against persons absconding or removing their property from the limits of the state or county in which they reside, and that they report by bill or otherwise.

On motion of Mr Massey, *Resolved* that the judiciary committee be instructed to inquire into the expediency of providing by law some method for deciding contested elections of sheriffs, clerks of the circuit and county courts and assessors and tax collectors in the respective counties in this state.

On motion of Mr Belser, *Resolved*, That the committee on the state capital be instructed to ask for, and receive from the state architect, a state-

ment of the expenditures for the public buildings, the amount of the work now contracted for, the terms of payment; and also to inquire whether or not the said architect has discharged his official duties according to law.

*And be it further resolved,* That, if the said committee should deem it necessary to send for persons and papers so as to enable them to give the subject the most ample scrutiny, they shall have the power to do so, after which they shall report to this house the result of their investigation; also, ask for and obtain a report from said architect, if the capital can be completed with the present appropriation; and the said committee report the actual amount of the fund appropriated to said building by the existing law.

On motion of Mr Gage, *Resolved,* That the judiciary committee be instructed to inquire whether some provision by law ought not to be made for creditors to contest the right of applicants for the benefit of the insolvent laws, and whether evidence ought or ought not to be received by the judge or justices, shewing that said applicant ought not to have the benefit of said laws, with leave to report by bill or otherwise.

On motion of Mr Hudson, *Resolved,* That the judiciary committee be instructed to inquire into the expediency of authorizing the county courts of this state to draw a jury of twenty-four householders, to attend on the same, under the same rules and regulations that jurors are now drawn to attend on the circuit courts of this state, with leave to report by bill or otherwise. Mr Parsons offered the following amendment: *And be it further resolved,* That said committee inquire as to the propriety of the county court judge and commissioners of roads and revenue selecting juries for county and circuit courts, for the integrity and capacity of the jurors so selected; which was carried. The resolution, as amended, was then adopted.

Mr Libb of L. asked leave to be discharged from the consideration of a resolution on the subject of agriculture and manufactures; which was granted.

Mr Musgrove moved that the petition of sundry inhabitants of Blount county, praying that Henry Linton be restored to the rights of citizenship, be referred to the committee on propositions and grievances; which was carried.

On motion of Mr Ambrister, *Resolved,* That the committee on roads, bridges and ferries be instructed to inquire into the necessity of providing by law some manner of appointing overseers of roads, where the person regularly appointed may die or remove, who shall do the duties of overseer until the annual court for making such appointments.

And then the house adjourned until to-morrow morning, 10 o'clock.

*Wednesday, November 26, 1828.*

The house met pursuant to adjournment.

Mr Walker of D. presented the petition of William May and James Reynolds, praying remuneration for losses sustained in the rent of a certain ferry therein named; which was read and referred to a select committee consisting of Messrs Walker of D. Pickens and Tarver.

Mr Whitfield presented the petition of sundry inhabitants of Tuscaloosa county, praying the passage of a law to lay off and establish a road therein mentioned; which was read and referred to a select committee, consisting of Messrs Whitfield, Banks and Barton.

Mr Perkins presented the petition of Zadock Love, a free man of color, praying the passage of a law to emancipate certain slaves therein men-

tioned; which was read and referred to a select committee, consisting of Messrs Perkins, Banks and Whiffield.

A message from the Senate, by Mr. Credit:—Mr Speaker: I am instructed to inform the house of representatives that the senate have read three several times, and passed bills to be entitled, 1st. An act for the relief of Henry Girard, tax collector of Lauderdale county; and, 2d. An act explaining the true intents and meaning of two acts therein mentioned; in which the concurrence of the house of representatives is desired.

Mr Terry presented the petition of George A. Campbell, praying the passage of a law to be remunerated for the loss of a certain sum of money therein mentioned, which was read and referred to a select committee consisting of messrs Terry, Broadnax and Bonnell.

Mr Coopwood presented the petitions of Holt C. Ferguson, and James Moore, praying the passage of a law to change the names of certain persons therein named; which was read and referred to a select committee consisting of messrs Coopwood, Wallis and Hodges.

Mr Coopwood presented the petition of Jesse Dodd, praying the passage of a law to authorize him to retail spirits to travellers, without license. Mr Leary moved that the petition lie on the table; which was lost. It was then referred to the committee on propositions and grievances.

Mr Walker of G. presented the account of Jesse Beene, which was read and referred to the committee on accounts.

Mr Tarter from the committee on accounts to which was referred the account of John A. Cunningham, jailer of Butler county, claiming compensation for the sustenance of Michael Horn, a state prisoner in the jail of Butler county, reported that the account is not authenticated according to law, and ask leave to be discharged from the further consideration of the same, which was granted.

A message from the Governor by J. I. Thornton, which was as follows:

EXECUTIVE DEPARTMENT New 5, 1828.

The Honorable, the Speaker and Members of the House of Representatives

Gentlemen—I have the honor to lay before you resolutions  
mont. on resolutions of the States of Maine and Connecticut  
internal improvements, by appropriations from the revenue of  
on the resolutions of the State of Georgia proposing an amendment  
of the United States, to prevent the election of President and  
devolving in any case, on the House of Representatives in Congress, and  
lation of the State of Ohio on the same subject;—also on the report and  
of the State of Alabama, disapproving of the resolutions of the States of  
New Jersey, on the emancipation and foreign colonization of slaves. The  
and resolutions of the State of Georgia on the Tariff, and the colonization of Slaves  
in Africa. The report and resolutions of the State of South Carolina, on the origin  
of the Federal Government, and whether certain measures adopted by Congress are  
not in violation of the Federal compact, and the resolution of the State of Ohio on  
the same. During the recess of the General Assembly, Eli Shortridge, Esq, was ap-  
pointed Judge of the third Judicial Circuit, to fill the vacancy occasioned by the  
resignation of Judge Gayle. I also have the honor to transmit to you, the resigna-  
tion of Henry Goldilwaite, Esq, solicitor of the second Judicial Circuit, which has  
been received during your present session. I have the honor to be, most respectfully,  
your obedient servant.

JOHN MURPHY.

Ordered, that said message together with the accompanying documents lie upon the table.

Mr Barton from the judiciary committee to which was referred a bill from the senate entitled an act relating to penal statutes reported said bill with the following amendments to wit: strike out all of the first section after the word "shall" in the twelfth line thereof, and insert the following: "be recoverable by action of debt, in the circuit or county court of the county

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wherein such penalty may have been incurred, or sum been forfeited, or before a Justice of the Peace of any such county which said action shall be brought and prosecuted jointly in the names of any such county as aforesaid, and of the person, or persons suing for the same, and when read shall enure, the one moiety to any such county for the use of the paupers thereof, and the other moiety to the person or persons suing for and recovering the same—In which amendment the House concurred. It was then ordered to be read a third time on to morrow.

Mr Barton from the judiciary committee to which was referred a bill to be entitled, an act in relation to riots, routs, assaults and batteries, affrays and breaches of the peace, reported the same without amendment. Leave was asked that the committee be discharged from the further consideration of the bill. Mr Clark moved that it be referred to a select committee. A division of the question being called for, the vote was first taken on discharging the committee, which was carried. It was then referred to a select committee, consisting of Messrs Clark, Weissinger and Hill.

Mr Barton, from the judiciary committee to which was referred a bill to be entitled an act to authorize Middleton G. Woods, a minor, to manage his own estate, reported the same without amendment. It was then ordered to be engrossed for a third reading to-morrow.

Mr Barton, from the judiciary committee to which was referred a resolution, instructing them to inquire into the expediency of repealing the law which prohibits the importation of slaves into this state for sale or hire, reported a bill to be entitled an act, to repeal a certain act therein named, which was read a first time and ordered to be read a second time to-morrow.

Mr Barton from the judiciary committee to which was referred so much of the Governor's message as relates to the contested election for Sheriff in the counties of Monroe, Autauga and Marengo, and to which was also referred the Governor's message of — instant with accompanying documents in relation to the same subject, reported that in their opinion the General Assembly are not invested with authority to decide contested elections for office of sheriff nor to legislate retrospectively on that subject.

It was then ordered that the report, together with the accompanying documents, be committed to the judiciary committee with instructions to report a bill, which was lost. The committee was then discharged.

Mr Barton from the judiciary committee to which was referred the memorial of John E. Aderson, reported that the prayer of the memorialist is unreasonable and ought not to be granted. In which report the House concurred.

Mr Barton from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of so amending the existing laws as to exempt jurors who may fail to attend from the payment of costs in cases where the Judge shall allow his excuse for such non-attendance reasonable and just, reported that the existing laws amply provide the remedy contemplated by the resolution and ask leave to be discharged from the further consideration of the subject. Mr Barton moved that the report lie on the table, which was lost. The committee was then discharged.

A message from the Senate by Mr. Crabb:—Mr. Speaker instructed to inform the House of Representatives that the Senate in the amendment made by the House to the resolution of the Senate proposing to raise a joint committee to examine the votes of the citizens at the last General election on the proposed amendment to the Con-



stitution, in relation to the tenure of the Judges &c. &c. and that the Senate have appointed as such committee on their part messrs. Smith, Ferry and Moore of Jackson. Agreeably to the Resolution *Mr. Speaker* appointed a committee to consist of messrs. Barton, Penn, Walker of Dallas, Broadnax and Foster.

*Mr. Barton* from the Judiciary Committee to which was referred a bill to be entitled, an act to prevent the citizens of this State from being sued in civil cases, before any Justice of the Peace, out of the beat in which they may respectively reside, Reported the same with the following amendments: strike out the preamble of the bill and insert the word *of* between the words *out* and *the* in the 6th line of the first section. *Mr. Clark* then moved that the bill lie on the table, which was carried.

*Mr. Townsend* of Mobile from the committee on the public printing made the following report:

For a notice on the Public Printing, to which was referred the resolution instructing them to inquire and report to this House whether the Public Printer has faithfully discharged his duty, have had the same under consideration, and have instructed me to report: That the 5th section of an act, to provide for the printing of the Laws and Journals, passed December 25th 1822, requires that within "seventy-five days after the end of each and every Session of the General Assembly the Printer shall deliver to the Clerk of the county or Circuit Court, of each and every county in this State the number of copies of the acts and Resolutions as directed by the Secretary of State; and it is further required that the Printer shall within thirty-five days after the time given for the completion of the acts aforesaid, in like manner, deliver the number of copies of the journals of each House. The committee have examined the receipts given by the Clerks in the several counties of the State, for the acts and journals of the last General Assembly, by which it appears that they were delivered at various dates from April to September, and therefore not within the time prescribed by law. The reasons assigned for this delay in the distribution of the acts and journals of the last General Assembly are furnished in a written communication from the public Printer, which the committee beg leave to submit herewith as a part of this report.

TUSKALOOSA, November 24th 1823.

*Mr. J. W. Townsend*, Esqr. Chairman of the Committee on the Public Printing.

Sir.—In obedience to your instructions by a resolution of the House of Representatives, inquiring of the Public Printer, the reasons why the Laws and Journals of the last Session of the General Assembly were not distributed in due time as required by law, he begs leave to lay before your committee the following brief statement of circumstances connected with the delay, which he assures the committee was against his wishes, his interest and entirely beyond his controul: Of the extreme length of the Laws and Journals of this year, your committee no doubt were apprized; and the time allowed by law for their completion being fixed when the Session did not exceed thirty or thirty five days in length, and the work required being in ratio to the time, the same period must necessarily be too short, for the execution of full twice the quantity of labor, that bestowed on them at that time. The last Legislative Session embraced a period of nearly sixty days, consequently throwing the Public Printer's time for delivery thirty days later than usual, without even taking into consideration that the work, besides this delay, is double the quantity it was originally, making at least sixty days difference, yet there is no provision made for incidents of this kind which may happen in different years. It may perhaps be well for me here to observe that the public printers for the two previous years to my election have had allowance made them, of an extension of the time specified by law, of thirty days each to perform their labor, but did not last year accomplish even in that time, and each of whom, have since applied to the General Assembly for remuneration for actual losses sustained by them in the service of the State, altho' as yet without success. It may be seen by your committee that the last laws and Journals were much more prolix than either of those years, tho' they were then thought to be large and difficult to be finished in the prescribed time, yet the public printer for this year had

no doubt but that by energy he could conform to the statute in this instance, if they did not exceed in length those of the preceeding years, but their being much longer and considerable sickness prevailing among the hands, engaged on the work, whose place it was impossible to supply immediately, had the tendency to retard the work. His contractors for the distribution, unfortunately for him, were delinquent in the performance of their duties, which was rectified as soon as it was practicable by supplying one hundred and twenty additional copies, which had been lost by them, and by his presence in several of the lower counties which had been neglected by the distributor for want of attention to his instructions and which did not receive their laws until very late, altho' they were in Claiborne on the first of May or very near that time. The State Printer is well aware that the neglect of persons in his employ is no extenuation of his delinquency in any respect whatever, and as the House is only fulfilled its duty in making these inquiries and nothing more than he had a right to expect, he feels thankful that he has had an opportunity of laying these explanations before the committee as they probably serve in some measure to obliterate the hostility which may have been fostered towards his official conduct. I am Sir, respectfully yours.

DUGALD M. FARLANE, State Printer

*Mr. Bibb of L.* moved that the report lie on the table, which was *carried*.

*Mr. Coopwood* from the Select Committee to which was *referred* the petition of Hugh Weir, praying a longer time to register his name on the Books of the Medical Board as a Physician, Reported a Bill to be entitled an act for the relief of Hugh Wier of Lawrence county, which was read a first time and ordered to be read a second time to-morrow.

Ordered that *Mr. Flournoy* be added to the committee on county boundaries. Ordered that messrs. Flournoy, Cook and Clark, be added to the judiciary committee.

A message from the Senate by *Mr. Lyon* :—*Mr. Speaker* : The Senate have adopted the following resolution, in which they ask your concurrence : *Resolved*, with the concurrence of the House of Representatives, that the two Houses will assemble in the Representative Hall at the hour of 3 o'clock *P. M.* on to-morrow, for the purpose of electing a Harbor Master and four Wardens for the Port and Harbor of Mobile. In which resolution the House concurred.

Engrossed bills from the Senate of the following title to wit : An Act explaining the true intent and meaning of two acts therein mentioned ; an act for the relief of Henry Garrard, tax collector of Lauderdale county ; were severally read a first time and *ordered* to be read a second time to-morrow.

*Mr. Mardis* obtained leave to introduce a bill to be entitled, an act to legitimate and change the name of Nancy Steel to that of Nancy Curl, which was read a first time and *ordered* to be read a second time to-morrow.

*Mr. Mobley* obtained leave to introduce a bill to be entitled, an act concerning Roads, Bridges and Ferries, Jurors, the county and Orphans court, of ordinary, and the court of roads, and revenue, and for other purposes, which was read a first time and *ordered* to be read a second time to-morrow.

*Mr. Clark* obtained leave to introduce a bill to be entitled an act to divide the twenty first Regiment of the militia of this State and for other purposes, which was read a first time and *ordered* to be read a second time to-morrow.

*Mr. Cowthon* obtained leave to introduce a bill to be entitled, an act to locate to the seat of Justice in Henry county, which was read a first time, and *ordered* to be read a second time to-morrow.

*Mr. Bibb of Morgan* obtained leave to introduce a bill to be entitled, an act to amend an act, entitled an act to authorize administrators to sell

land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27th 1822, which was read a first time and *ordered* to be read a second time on to-morrow.

On motion of *Mr. Smith of Lauderdale, Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the taxes, and report by bill or otherwise.

On motion of *M. Harris, Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending or repealing an act passed on the 6th day of January 1827, entitled an act directing in what manner and in what courts suits may be brought against the State of Alabama.

On motion of *Mr. Pickens, Resolved*, that the judiciary committee inquire and report if it be practicable, so to alter the law as to render a recurrence to tales jurors less frequent, and as far as possible obviate a resort to them—also that said committee inquire into the propriety of relieving tales jurors from a continued service through the day, so that they may be summoned for the particular case only in which they may be needed, and that they report by bill or otherwise. On motion of *Mr. Walker of Dallas, Resolved*, that the Secretary of State be requested to furnish this House with ten copies of the laws and of each of the acts of assembly except the acts of 1823, and to furnish one copy of the acts of that year.

*Mr. Adams* obtained leave to introduce a bill to be entitled an act to appoint a commissioner for the county of Pike to select, and dispose of a quarter section of land for a seat of Justice, and other county purposes, which was read a first time and *ordered* to be read a second time to-morrow.

On motion of *Mr. Lewis of F. Resolved*, that the military committee be instructed to inquire into the expediency of so amending the patrol laws as to make their operation more effectual, and that said committee report by bill or otherwise:

On motion of *Mr. Foster, Resolved* that the military committee be instructed to inquire into the expediency of passing a law so as to compel the militia of this State to muster with guns; with leave to report by bill or otherwise.

The House proceeded to the orders of the day.

Engrossed bill entitled, an act to authorize the administrators of *Josiah Darden*, deceased, to make a deed of conveyance to a certain tract of land therein mentioned to *Alfred C. Patillo*, was read a third time, and the question being put, shall this bill pass? it was determined in the negative. Yeas 10—Nays 58.

The yeas and nays being desired, those who voted in the affirmative are, messrs. *Belsor, Broadnax, Cole, Coopwood, Duke, Edmondson, Hudson, Sanders, Terry and Weissinger*—10.

Those who voted in the negative are *Mr. Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Bibb of L. Bibb, of J. Bonnell, Branton, Brown, Clark, Cawthon, Clough, Colgin, Cook, Dale, Durrett, Fearn, Foster, Gage, Harris, Hill, Hodges, Lane, Lawler, Lea, Lewis of F., Lewis of M., Mardis, Massey, Metcalf, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Smith of J., Smith of L., Sykes, Turver, Towns of M., Towns of P., Walker of D., Walker of M., Wallis, Wellborne and Whitfield*—58.

On motion of *Mr. Cook, Resolved*, that the committee on county boundaries inquire as to the expediency of altering the boundary line of *Monroe and Conecuh* counties, so as to place different parts of the road

dividing the same into each of said counties, that every part of said road, no matter in the jurisdiction one or the other of said counties, more effectually to punish crimes and to keep the road in order.

On motion of *Mr. Lea, Resolved*, that a select committee be appointed to inquire whether the returns by the Sheriffs of the several counties of this State of the late election of Electors of President and Vice President have been made at the time prescribed by law, and whether delinquent Sheriffs in this respect are by the existing laws, entitled to any compensation in such cases, and whether other penalties or liabilities ought by law to be imposed on Sheriffs for failing to make returns of the votes of the people whereon in messrs. Lea, Cole and Clark were appointed said committee.

And then the House adjourned until to-morrow morning 10 o'clock.

*Thursday, November 7, 1828.*—The House met pursuant to adjournment.

*Mr. Townsend* of *Al* presented the petition of Robertson & Barnewell recommending Philip C. Blakey, Joseph W. Moore, Andrew Armstrong, Jonathan Edwards and William R. Hallett, as fit and proper persons for Wardens for the port of Mobile, which was read and laid on the table.

*Mr. Bibb* of *Al* presented the petition of sundry inhabitants of Morgan county praying the passage of a law to restore George Riggs to the rights of citizenship, which was read and referred to the committee on propositions and grievances.

*Mr. Perkins* presented the petition of sundry inhabitants of Walker county in relation to the seat of justice of said county, which was read and laid on the table.

*Mr. Whitfield* presented the petition of Celia Burgess a free, woman of colour, praying the passage of law to emancipate a certain slave therein named which was read and referred to the committee on propositions and grievances.

*Mr. Perkins* presented the petition of Solomon Peteete, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to a select committee consisting of messrs Perkins, Banks and Whitfield.

*Mr. Whitfield* presented the account of Elisha Duvall, sheriff of Walker county, which was read and referred to the committee on accounts.

*Mr. Massey* presented the accounts of Polydore Nailor, which were read and referred to the committee on accounts.

*Mr. Pickens* presented the petition of sundry inhabitants of Dallas county praying that the election precinct now established at Alfred Roberts' be discontinued, and that an election precinct be established at Pleasant Hill, which was read and referred to a select committee, consisting of messrs Clarke, Townsend of *P* and Adams.

*Mr. Farver* from the committee on accounts to which was referred the account of Austin Hood, returning officer for the electors for President and Vice-President of the United States for the county of St Clair, reported that the account is not properly authenticated, and therefore ask leave to be discharged from the further consideration thereof; which was granted.

*Mr. Harris* from the committee on propositions and grievances, to which was referred the petition of sundry citizens of the county of Blount, praying the passage of a law restoring Henry Linton to the rights and privileges of citizenship, accompanied with a desire that the stain from his character should be wiped away and forgotten, reported that it is inexpedient to grant the prayer of the petitioner. *Mr. Lawler* moved that the report lie on the table; which was carried.

*Mr Speaker* laid before the House the annual report of the comptroller of public accounts which was read. *Ordered*, that said report lie on the table and that two hundred copies thereof be printed for the use of this House.

*Mr Speaker* laid before the House the annual report of the Treasurer, which was read. *Ordered*, that said report lie on the table and that two hundred copies thereof be printed for the use of this House.

*Mr Clarke* moved to take from the table the resolution in relation to the public printing, which was carried. *Mr Coopwood* moved to amend the resolution by striking out all after the word resolved, with a view to insert the following: "with the concurrence of the Senate that the two Houses will assemble in the Representative hall this day at the hour of three o'clock, P. M. for the purpose of electing a state printer for the ensuing year. A division of the question having called for the vote was first taken on striking out which was lost.

*Mr Parsons* then offered the following amendment: *And be it further resolved*, That the committee on the public printing inquire whether the public printing can be expeditiously and well done by either of the printers now in Tuscaloosa, or elsewhere in this state, and report to this house; and whether compensation heretofore paid to the public printer was just and reasonable; which was carried. *Mr Clark* then moved to strike out of the resolution the word between the words "inquire" and the word "whether;" which was lost. The resolution as amended, was then adopted.

*Mr Ferry* moved to take from the table, and place amongst the orders of the day, an engrossed bill from the senate entitled an act to authorize Lewis Tyus, of Autauga county, to emancipate certain slaves therein named; which was carried.

*Mr Clark* moved to take from the table, and place amongst the orders of the day, a bill to be entitled an act to prevent the citizens of this state from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside; which was carried.

*Mr Flournoy* moved to take from the table, and place among the orders of the day, a bill to be entitled an act to amend the several laws respecting bail in civil and criminal cases; which was carried.

The house then proceeded to the orders of the day.

Engrossed bill entitled an act authorizing the administrators of John A. Frazier, deceased, to convey a tract of land therein specified, being under consideration, *Mr Brown* moved that it lie on the table; which was carried.

Engrossed bills of the following titles, to wit: An act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo; and an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, approved December 22, 1826. so far as said act relates to the county of Shelby;—were severally read a third time and passed. *Ordered*, That their titles be as aforesaid. *Ordered*, That the same be sent to the senate for their concurrence.

Engrossed bill to be entitled an act to divorce Leecy Lewis from Mordecai Lewis was read a third time, and the question being put, Shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 69—Nays 1.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ambrister, Ag-derson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale,

Duke, Dupuy, Dorrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robertson, Rogers, Russell, Salter, Sanders, Smith of J. Smith of Laud. Sykes, Turver, Terry, Townsead of M. Townsend of P. Walker of D. Walker of M. Wallis, Welborne and Whitfield—69.

Mr Weissinger voted in the negative.

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce Clarissa Wade from George W. Wade, was read a third time, and the question being put, Shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 66—Nays 2.

Those who voted in the affirmative are, Messrs Speaker, Adams, Ambister, Anderson, Banks, Barker, Burton, Belser, Bibb of L. Bibb of M. Bonnell, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Dorrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Saunders, Smith of J. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Wallis, Welborne and Whitfield—66.

Those who voted in the negative are, Messrs Smith of Laud. and Weissinger.

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce Hngh McVay from Sophia W. McVay, was read a third time, and the question being put, Shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 68.

Those who voted in the affirmative are, Messrs Speaker, Adams, Ambister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Dorrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Mardis, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rodgers, Russell, Salter, Saunders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Wallis, Weissinger, Welborne and Whitfield.

There was no vote in the negative. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

And then the House adjourned till 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

On motion of Mr Lawler, *Resolved*, That the Senate be informed that the House of Representatives is now ready to receive them in the Representative Hall, for the purpose of going into the election of a Harbour Master and four Wardens for the port and harbour of Mobile, and that the east end of the hall be assigned for their reception. *Ordered*, That the clerk acquaint the Senate therewith.

A message from the Senate, by Mr Lyon:—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That the Senate construe the law providing for the election of Wardens and Harbour Master of the city of Mobile, so as that the Legislature should first elect five Wardens, from which number they shall afterwards elect a Harbour Master; in which construction they desire the concurrence of your honorable body; in which resolution the House concurred.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of five Wardens for the port and harbour of Mobile, one of which is to be elected Harbour Master.

**Frederick Sheffield, Philip McLoskey, Andrew Armstrong, Joseph W. Moore, William R. Hallett, Asa Prior, William P. Brown, William H. Bliss and Sidney Pitcher** being in nomination for wardens of the port of Mobile.

*Those who voted for Frederick Sheffield are,* Mr President, Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Merriwether, Moore of Marion, Perry, Pickett, Ross, Skinner, Smith, Vining, Walthall and Watkins, of the Senate.— Mr Speaker, Adams, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Brown, Cawthon, Clough, Cook, Coopwood, Dale, Dupuy, Durrett, Edmondson, Fearn, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Richardson, Robinson, Salter, Saunders, Smith of Land, Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. and Wallis.

*Those who voted for Philip McLoskey are,* Mr President, Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of M. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins, of the Senate. Mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Lane, Lea, Lewis of F. Lewis of M. Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Saunders, Smith of Land, Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Welborne and Whitfield.

*Those who voted for Mr Armstrong are,* Mr President, Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of M. Perry, Pickett, Ross, Skinner, Smith, Walthall, Watkins and Wood, of the Senate. Mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Bibb of L. Bibb of M. Bonnell, Brandon, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Saunders, Smith of J. Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger and Whitfield.

*Those who voted for Mr Moore are,* Mr President, Abercrombie, Conner, Crawford, Garth, Moore of M. Perry, Pickett, Ross, Skinner, Walthall, Watkins and Wood, of the Senate. Mr Speaker, Ambrister, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Clark, Cawthon, Clough, Cole, Cook, Coopwood, Dale, Duke, Durrett, Edmondson, Fearn, Gage, George, Hodges, Hudson, Lane, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Russell, Salter, Saunders, Smith of J. Smith of L. Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Welborne and Whitfield.

*Those who voted for Mr Hallett are,* Mr President, Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Merriwether, Moore of J. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood, of the Senate.— Mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Mims, Mobley, McElderry, Parker, Parsons, Penn, Pickens, Richardson, Robinson, Russell, Salter, Saunders, Smith of J. Smith of L. Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Weissinger and Whitfield.

*Those who voted for Mr Prior are,* Mr Merriwether, Moore of J. and Vining, of the Senate. Mr Belser, Broadnax, Flournoy, Foster, Hill, Mobley, Parker, Perkins, Rogers, Terry and Welborne.

*Those who voted for Mr Brown are,* Mr Powell, of the Senate. Mr Barton, Broadnax, Colgin, Duke, Metcalfe, Parker, Perkins and Terry.

*Those who voted for Mr Bliss are,* Mr Hubbard, McVay, Moore of J. Moore of M. Powell, Smith, Vining and Wood, of the Senate. Mr Adams, Ambrister, Anderson, Banks, Barton Belser, Broadnax, Brown, Clark, Cole, Colgin, Duke, Dupuy, Flournoy, Harris, Hill, Hudson, Lawler, Lea, Massey, Metcalfe, Musgrove, Parker, Perkins, Pickens, Rogers, Russell, Smith of J. Smith of L. Terry, Walker of M. Wallis, Weissinger, Welborne and Whitfield.

*Those who voted for Mr Pitcher are,* Mr Fowell and Wood, of the Senate, Mr Barker, Barton, Brown, Clark, Duke, Dupuy, Hill, Hudson, Lawler, Mardis, Massey, Metcalfe, Musgrove, Parker, Perkins, Rogers, Smith of J. Terry and Welborne.

Mr Sheffield, Mr McLoskey, Mr Armstrong, Mr Moore and Mr Hallett having received a majority of the votes, Mr Speaker declared them duly elected wardens for the port and harbour of Mobile.

Both Houses then proceeded to the election of a harbour master for the port and harbour of Mobile, Frederick Sheffield being in nomination.

*Those who voted for Mr Sheffield are,* Mr President, Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of M. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the Senate. Mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Ennrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hedges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Welborne and Whitfield.

Mr Sheffield having received a majority of votes, Mr Speaker declared him duly elected Harbor Master for the Port and Harbor of Mobile.

The Senate withdrew and then the House adjourned till to-morrow morning 10 o'clock.

*Friday, November 28, 1838.*

The House met pursuant to adjournment.

Mr Perkins presented the petition of the officers of the 18th regiment, 5th brigade and 2d division of Alabama militia, praying to attach part of the 17th to the 18th regiment; which was read and referred to the military committee.

Mr Brandon presented the petition of sundry inhabitants of Madison county, praying the passage of a law to authorize Henry Brazleton, administrator of Joel Ledbetter, deceased, to make title to Nancy Skitton of a certain tract of land therein named; which was read and laid on the table.

Mr Dupuy presented the petition of Henry Tate, praying relief for the loss of a sum of money therein named; which was read and referred to the committee on propositions and grievances.

Mr Wallis presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law to authorize Joseph Curtis to retail spirituous or vinous liquors without a license; which was read and referred to the committee on propositions and grievances.

A message from the Senate by Mr Lyon:—Mr Speaker, the Senate have passed a bill which originated in their House, entitled an act to authorize Peter G. Oldham, executor of the estate of Joshua Roden, deceased, to sell and transfer real estate; in which they desire your concurrence.

Engrossed bill from the Senate, entitled an act to authorize Peter G. Oldham, executor of the estate of Joshua Roden, deceased, to sell and transfer real estate. Mr Perkins moved that the bill lie on the table, which was carried.



Mr Harris, from the committee on propositions and grievances, to which was referred the petition of the citizens of Blount county, praying the passage of a law prohibiting the driving of oxen or other cattle from the lower part of this state, and other distempered parts contiguous there-to north of the cedar mountain unless accompanied by a bill of health, &c., *Reported*, that in the event that the prayer of the petitioners should be granted it would be expedient to establish boards of persons, skilled in the veterinary art, in the different parts of the State in order to prevent effectually the abuses complained of, and as the committee are of opinion that persons possessing the necessary qualifications, are rare and difficult to be obtained, it is inexpedient to legislate upon this subject at this time. Mr Musgrove moved that the report be referred to a select committee, which was lost. The report was then concurred in by the House.

Mr Terry from the select committee to which was referred the petition of George A. Campbell, assessor and tax collector of Autauga county for the year 1827, reported a bill to be entitled an act for the relief of Geo. A. Campbell, assessor and tax collector for Autauga county, which was read a first time and ordered to be read a second time to morrow.

Mr Fearn from the select committee to which was recommitted a bill to be entitled an act concerning the town of Huntsville, *Reported*, that it is unexpedient to pass the same. In which report the House concurred.

Mr Fearn from the select committee to which was recommitted a bill to be entitled an act to amend an act entitled an act to amend the act incorporating the town of Huntsville, passed the 9th day of January 1828, *Reported* the same without amendment. It was then *ordered* to be engrossed for a third reading to-morrow.

On motion of Mr Walker of D. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of repealing an act passed January 12th, 1827, entitled "an act to require additional services to be performed by the Judge of the 1st judicial circuit in this state; and also to inquire into the expediency of repealing so much of the law as requires the several Judges of the circuit courts to alternate in such manner, that each and every Judge shall preside successively in every circuit in this state, with leave to report by bill or otherwise.

Mr Broadnax offered the following resolution: *Resolved*, that, with the concurrence of the Senate, the two Houses will assemble in the Representative Hall on tomorrow at 3 o'clock, P. M. for the purpose of electing a Treasurer, Comptroller, and Secretary of State. Mr Coopwood moved that it lie on the table; which was carried.

A message from the Senate by Mr Lyon:—Mr Speaker, I am instructed to inform the House of Representatives that the Senate have adopted the following resolution, in which they desire the concurrence of the House: *Resolved*, that, with the concurrence of the House of Representatives, the Senate will convene in the representative hall, on Saturday the 29th inst. at 3 o'clock, P. M. to go into the election of a Secretary of State, Treasurer and Comptroller of Public Accounts. Mr Parsons moved that the resolution lie on the table; which was carried.

On motion of Mr Coopwood, *Resolved*, That a select committee be appointed, with instructions to examine into the manner by which the Secretary of State has discharged his duty, in relation to publishing of certain resolutions of the last session of the General Assembly, proposing amendments to the constitution of this State, limiting the tenure of the Judges to seven years; and whether the said resolution was published under his directions three months previous to the first Monday in August

last; and whether the returns of votes from the different counties, and by the different Sheriffs or other returning officers, were formal; and whether the said Secretary took the necessary or legal steps to have them made formal where the first returns were not so, with full power to send for persons and papers if necessary to a full and fair investigation of any or all of those subjects; whereupon, Messrs Coopwood, Parsons and Terry were appointed said committee.

On motion of Mr Mardis, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of reorganizing this State, as to lay off the same into more compact and convenient counties, by adopting either range or township lines, or natural boundaries, or both, or either, as convenience may require; with leave to report by bill or otherwise.

*Ordered*, That Mr Clark and Mobley be added to the committee on accounts.

And then the house adjourned until to-morrow morning, 9 o'clock.

*Saturday, November 29, 1828.*

The house met pursuant to adjournment.

Mr Mardis presented the petition of William M. Marr, praying the passage of a law to authorize a judge of the circuit court to examine and decide at what time the State derived legal title to section No. 23 and 26, in township 21 and range 10, west; which was read and referred to the committee on propositions and grievances.

Engrossed bill to be entitled an act to divorce Elizabeth S. Littlepage from Thomas W. Littlepage, was read a third time, and the question being put, shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 36 — Nays 2.

Those who voted in the affirmative are, Messrs Speaker, Adams, Banks, Barker, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Derrett, Edmondson, Fearn, Fester, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Richardson, Rogers, Russell, Salter, Saunders, Smith of J. Smith of L. Sykes, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. and Whitfield.

Those who voted in the negative are, Messrs Brown and Weissinger.

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to authorize Claiborne Williams and associates to turnpike a road therein named, was read a third time. Mr Lewis of Franklin moved to amend the bill by way of the following engrossed rider in the second section: Insert, after the word *each*, in the 23d line, the word *loaded*; in the 24th line of the same section, insert the words, *for each empty cart twelve and one half cents*; in the 28th line, insert the words *or loose*, after the word *led*; which was carried. Mr Fearn moved to amend the bill by way of the following engrossed rider: *Provided, nevertheless*, that the said Claiborne Williams shall, at all times, keep a fair and just account of all monies received as tolls upon said road, and of all disbursements thereon; that he shall render a statement thereof, on oath, to the judge of the county court on the first day of January in each and every year; and if, at any time, it shall appear that the income received by tolls upon said road, shall exceed the — per centum on the amount required to construct said road, after deducting the expense of repairs for the past year, then, and in that event, the county court and commissioners of roads and revenue shall be authorized, and they are hereby required, to reduce the tolls on the same, so that the amount received annually shall not be less than — per centum, nor

more than — per centum upon the amount required for the construction thereof, after defraying current expenses, which was lost. *Mr Walker* of *Mad.* moved that the bill lie on the table till Tuesday next; which was carried.

*John W. Brides*, a member from the county of *Wilcox*, appeared, was qualified, and took his seat.

The house then proceed to the orders of the day.

Engrossed bills of the following titles, to wit: An act to emancipate a certain slave therein named; and an act to emancipate a certain slave therein named;—were severally read a third time and passed. *Ordered*, That their titles be as aforesaid, and that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled an act relating to penal statutes was read a third time and passed. *Ordered*, that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to authorize *Middleton G. Wood*, a minor, to manage his own estate, was read a third time, and the question being put, shall this bill pass? it was determined in the negative.

A bill to be entitled an act to repeal a certain act therein named, was read a second time. *Mr Parsons* offered the following: That the bill be committed to a select committee, with instructions to impose restrictions upon the introduction of slaves of bad character, and as to the propriety of a tax on slaves brought into the State for sale, and sold in the State; whereupon *Messrs Parsons, Fearn and Musgrove* were appointed said committee.

A message was received from the Governor, by *James I. Thornton*, which is as follows:

EXECUTIVE DEPARTMENT, November 28, 1828.

*The Hon Speaker and Members of the House of Representatives.*

Gentlemen: I have the honor to transmit the documents enclosed for your consideration. The Trustees of the University of Alabama now hold upwards of sixteen hundred dollars of the bills of the *Tombeckbe Bank*, which were received by their several agents before it was known to them that the bank had ceased to pay specie for its notes. The president was required by a resolution of the board of Trustees, to make application to the bank for the redemption of this amount, by funds which would be available, as they were about to commence the buildings of the Institution, and might soon be in urgent need of the money. A letter was accordingly addressed to the President of the Bank, on the 1st of October last, in answer to which, the enclosed letter, making a proposition of settlement with the board of Trustees, has been received. The board would be willing to close with the proposition which is made to them, if the state should think proper to acknowledge the demand of the bank, and to make an appropriation for its payment. There is also of the notes of the *Tombeckbe bank*, upwards of nine hundred dollars in the Treasury of the state. It will be perceived, that the proposition also provides for the payment or redemption of this sum. The loan alluded to, and upon which the demand of the bank arises, was made to sustain the credit of Treasury notes which the state had occasion to issue. As the state had demands against the bank for its annual taxation of several years, it was supposed that these demands would settle up for the loan, and the amount of the note negotiated by the state, with the exception of \$1,000 which was drawn out and deposited in the state Treasury, continued to remain in the bank. All the suits to coerce the bank to pay its taxes have failed. The expectation therefore to settle with it, in the way above mentioned, has failed also. The demand of the bank seems to be predicated on the sum of \$1,000 which was drawn out, as already mentioned, and the interest on the entire loan, up to the present, or some recent period, which is not precisely stated. I am informed that there was an agreement entered into between the executive and the bank in the negotiation of the loan, but do not know that it contains any stipulation with which the bank has not complied, or which would prove of any advantage to the state in its settlement with

the bank. I have not been able to find a duplicate of it in any of the offices, but was recently furnished a copy by the cashier of the bank. I have thus the pleasure to give to the General Assembly all the information which I possess on this subject. I have the honor to be, most respectfully, your obedient servant.

(Signed)

JOHN MURPHY.

Mr. Walker of D. moved that the message, together with the accompanying documents be referred to the committee on ways and means, which was carried.

A message from the Senate by Mr. Lyon: Mr Speaker, the Senate have passed bills which originated in their house, entitled an act to amend an act entitled an act to authorize the sales of the sixteenth sections and for other purposes, an act for the relief of John Balksom, and an act to authorize Archibald McCarns to turn Bylers turnpike road below his mill on clear creek in Fayette county; in all of which they desire your concurrence. Engrossed bills from the Senate of the following titles, to wit: an act to authorize Archibald McCarns to turn Byler's turnpike road below his mills on clear creek in Fayette county; an act to amend an act entitled an act to authorize the sales of sixteenth sections and for other purposes, and an act for the relief of John Balksom, were severally read a first time and *ordered* to be read a second time on Monday next.

A bill to be entitled an act for the relief of Hugh Weir of Lawrence county was read a second time; Mr Fearn moved that the further consideration thereof, be postponed till the first Monday in August next, which was carried.

Engrossed bill from the Senate entitled, an act explaining the true intent and meaning of two acts therein mentioned, was read a second time and *ordered* to be read a third time on Monday next.

Engrossed bill from the Senate entitled, an act for the relief of Henry Garrard, tax collector of Lauderdale county, was read a second time. Mr Clark moved that the bill lie on the table until Monday next, which was lost. Mr Parsons moved to amend the bill, by striking out the word "forty" with a view to insert "fifty" which was lost.—Yeas 7—nays 60.

The yeas and nays being desired, those who voted in the affirmative are messrs Coopwood, Dale, Hodges, Lane, Lea, Lewis of M. Parsons—7.

Those who voted in the negative are messrs. Speaker, Adams, Ambriester, Anderson, Banks, Barker, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Cawthon, Cloughe, Cole, Colgin, Cook, Duke, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hudson, Lawler, Lewis of F. Mardis, Marsey, Metcalf, Mims, Mobley, Musgrove, McElderry, Parker, Penn, Perkins, Pickens, Robinson, Rogers, Ruessell, Salter, Sanders, Smith of J. Smith of Land. Sykes, Terry, Townsend of M. Townsend of P. Walker of M. Weisinger, Welborne and Whitfield—60.

The bill was then ordered to be read a third time on Monday next.

A bill to be entitled an act to legitimate and change the name of Nancy Steel, to that of Nancy Curl, was read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act concerning roads, bridges and ferries, jurors, the county and orphans court of ordinary, and the court of roads and revenue, and for other purposes, was read a second time, and referred to the judiciary committee.

A bill to be entitled an act to decide the 21st regiment of the Militia of this state and for other purposes, was read a second time. Mr Penn moved that it be referred to the military committee which was carried.

Ordered, that messrs. Hill and Foster be added to the military committee.

A bill to be entitled an act to locate the seat of justice in Henry county, was read a second time. Mr. Cook moved to amend the bill by adding thereto two additional sections, no 3 and 4, which was carried. It was then ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to amend an act entitled an act to authorize administrators to sell land belonging to the estate of their intestates to which a complete title has not been obtained, passed December 27th, 1822, was read a second time. Mr. Bibb of M. moved that it be referred to the judiciary committee, which was carried.

A bill to be entitled an act to appoint a commissioner for the county of Pike to select and dispose of a quarter section of land for a seat of justice and other county purposes, was read a second time. Mr. Cook moved that it be referred to a select committee, which was carried: Whereupon messrs. Cook, Townsend of P. and Adams were appointed said committee.

Engrossed bill from the Senate entitled an act to authorize Lewis Tytus of Autauga county to emancipate certain slaves therein named, was read a second time. Mr. Penn moved to amend the 2d section by striking out the words "eight hundred" with a view to insert "two thousand," which was carried. It was then ordered to be read a third time on Monday next.

Mr. Lewis of M. presented the record and proceedings of the circuit court of Montgomery county exercising chancery jurisdiction in the case of Benjamin D. Hassell against Mary Hassell for divorce, which was read and referred to the committee on divorce and alimony.

Mr. Speaker laid before the house a communication from the sheriff of Tuscaloosa county in relation to the election of President and Vice President of the United States, which was read and laid on the table. Mr. Coopwood obtained leave to introduce a bill to be entitled an act to amend an act entitled an act concerning the distribution of intestates, estates, passed December 21, 1822, which was read a first time, and ordered to be read a second time on Monday next. And then the house adjourned until Monday morning 10 o'clock.

*Monday, December 1st, 1828.*

The House met to adjournment. Mr. Richardson presented the petition of sundry inhabitants of Greene county, praying the passage of a law that, that part of Greene county, lying on the west side of the Warrior river may with an addition from Pickens or Tuscaloosa counties, of four or five townships be formed into a separate and distinct county, which was read and referred to the committee on county boundaries.

Mr. Weissinger presented the petition of sundry inhabitants of Pickens county, praying that the boundary of Greene and Pickens so far as they now join may still be continued; which was read and referred to the committee on county boundaries.

Mr. Richardson presented a counterpetition from sundry inhabitants of Pickens county, praying that, that part of Greene county lying on the west side of the Warrior river, may with an addition from Pickens or Tuscaloosa counties, of four or five townships be formed into a separate and distinct county, which was read and referred to the committee on county boundaries.

Mr. Perkins presented the petition of sundry inhabitants of Tuscaloosa county, residing in Foster's settlement, praying that they may not be attached to any other county; which was read and referred to the committee on county boundaries.

Mr Whitfield presented the petition of sundry inhabitants of Tuscaloosa county, residing on Buck creek, praying to be attached to the new county proposed to be formed of the counties of Tuscaloosa, Greene and Pickens; which was read and *referred* to the committee on county boundaries.

Mr Bridges presented the petition of the commissioners of revenue and roads of Wilcox county, praying the passage of a law to refund to Wilcox county a certain sum of money therein named, out of any money in the treasury not otherwise appropriated; which was read and *referred* to a select committee, consisting of messrs. Bridges, Robinson & Clough.

Mr Bridges presented the account of the sheriff of Wilcox county; which was read and *referred* to the committee on accounts.

Mr Bridges presented the account of Ephraim Pharr, former sheriff of Wilcox county; which was read and *referred* to the committee on accounts.

Mr. Barton, from the judiciary committee to which was *referred* the petition of Willis Sanders, administrator of Job Callaway, deceased, praying the passage of a special act to authorize the said Sanders to sell certain real estate therein mentioned, *Reported*, that the existing law provides an ample remedy for the case stated in the petition, and that it would be inexpedient to grant the prayer therein contained, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Barton, from the judiciary committee to which was *referred* the petition of Elizabeth Hester, administratrix of Joseph Hester, deceased, praying the passage of a law to authorize her to sell certain real estate therein mentioned, *Reported*, that the existing laws provides an ample remedy for the case stated in the petition, and that it would be inexpedient to grant the prayer therein contained, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Barton, from the judiciary committee to which was *referred* a bill to be entitled an act to authorize clerks of the circuit courts to take bonds of sheriffs in certain cases. *Reported* the same with the following amendment: Add the words *section first*, immediately before the enacting clause: then strike out all after the enacting clause, and insert sections 1, 2, 3, 4, and 5; in which amendments the House concurred. Mr Barton moved to amend the caption of the bill by adding after the word sheriffs the words *and coroners*; which was carried. And the rule requiring bills to be read on three several days being dispensed with, it was ordered that the bill be engrossed and read a third time to day.

Mr Farver, from the committee on accounts to which was *referred* the account of Polydore Naylor, for duties performed as judge advocate, *Reported*, that there is no law allowing compensation out of the state treasury for such services, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Harris, from the committee on propositions and grievances to which was *referred* the petition of Jesse Dodd, asking permission to retail spirituous liquors without license, *Reported*, that it is inexpedient to legislate upon that subject: in which report the House concurred.

Mr Harris, from the committee on propositions and grievances to which was *referred* the petition of Celia Burgess, a free woman of color, asking permission to emancipate her daughter Fanny. *Reported* a bill to be entitled an act to authorize Celia Burgess, a free woman of color, to emancipate her daughter Fanny; which was read a first time and *ordered* to be read a second time to-morrow.

Mr Harris, from the committee on propositions and grievances to

which was *referred* the petition of Branch Jones and others, asking permission for Joseph Curtis, of the town of Moulton, to retail spirituous and vinous liquors without license, *Reported* that it is inexpedient to legislate on that subject; in which report the House concurred.

Mr Harris, from the committee on propositions and grievances to which was *referred* the petition of sundry citizens of the county of Morgan, praying the restoration of George Riggs to citizenship, *Reported* that it is inexpedient to legislate upon that subject; in which report the House concurred.

Mr Harris, from the committee on propositions and grievances to which was *referred* the petition of Henry Tate, asking the Legislature to extend him such relief as may seem proper for the loss of \$150, which was transmitted to him by mail by George Starr, esquire, *Reported* that it is inexpedient to legislate upon that subject; in which report the House concurred.

Mr Perkins, from the select committee to which was *referred* the petition of Zadock Love and Solomon Perteet, free men of colour, praying for authority to emancipate their wives and children, who are their slaves, *Reported* a bill to be entitled an act to emancipate certain slaves therein named: which was read a first time and ordered to be read a second time to-morrow.

Mr Parsons moved that the clerk of this House hand over to the secretary of state a communication from the sheriff of Tuscaloosa county to the speaker, in relation to the election of president and vicepresident of the United States.

Mr Coopwood made the following report:

MR SPEAKER: The Special Committee, to which was referred a resolution of this House, directing them to examine into the manner in which the Secretary of State has discharged his duty in relation to the publishing of certain resolutions, of the last session of the General Assembly of this State, proposing amendments to the Constitution thereof, limiting the tenure by which Judges hold their offices to seven years; and whether the said resolutions were published under his direction three months previous to the last August election; and whether the returns of votes, from the different counties and by the different sheriffs or other returning officers, were formal, and whether the Secretary took the necessary or legal steps to have them made formal where the first returns were not so, if any such cases occurred, with full power to send for persons and papers, if necessary to a full and fair investigation of any or all of those subjects—have had the same under consideration, and have instructed me to report: That immediately after receiving from the clerk said resolution, they addressed a letter to the Secretary at State, informing him of their appointment, and the object of that appointment; a copy of which letter is herewith submitted:

EAGLE HOTEL, TUSCALOOSA, 29th Nov. 1828.

The Hon. James L. Phorton, Esq. Sir: Pursuant to a resolution of the House of Representatives of the 28th inst. a committee was appointed with instructions to ascertain, if practicable, whether the resolutions of the last session of the General Assembly of this State, proposing amendments to the Constitution thereof, was published three months previous to the last August election, in the several papers in this state; and whether the necessary steps were taken by you to have the returns made formal where the first returns were not so, if any such cases occurred. Furthermore, if necessary to a full and fair investigation of the subject, to send for persons and papers. In discharge of which duty we are ready to act, whenever it may suit your convenience. Very respectfully, Sir, your obedient servant,

THOS COOPWOOD, Chairman.

In answer to which your committee received the following letter:

Secretary of State's Office, Tuscaloosa, November 29 1828.

Hon. Tho. Coopwood, Chairman, &c.—Sir: In reply to your inquiries of this instant, whether the resolutions of the last session of the General Assembly of this state, proposing amendments to the constitution thereof, was published three months previous to the last August election, in the several papers in this state; and whether the necessary steps were taken by you to have the returns made formal where the first returns were not so, if any such cases occurred—I have the honor to state that the resolution was published in the two newspapers in this place on the 3d of May, and continued in said papers till the 4th of August last; which fact can be ascertained by reference to the above named papers and which I herewith submit; and that I requested all the editors throughout the state to pub-

lish the same till the general election in August last. It is not in my power to say the request was complied with by all the editors in the state or not, as one of the dissenting editors forwarded to me their papers; yet I have reason to believe that the request was generally attended to, from the number of accounts since submitted to this department for payment. I will also avail myself of this opportunity to state that I forwarded to each sheriff in this state, soon after the publication of said resolution, a copy of the act prescribing the mode of ascertaining the sense of the citizens of this state on the proposed amendment; which was not required of me by law, but which was essential to the officers engaged in the matter; which fact can be proved by the postmaster of this place. In reply to that part of the resolution relative to the returns of the sheriffs, on the resolution proposing amendments to the constitution, I have only to say that I did not conceive myself authorized in any manner to determine of the correctness or incorrectness of the sheriff's return on said question, nor to adopt any measure in relation to their duties, as the act is directory to them alone, and invested me with no further power than to receive such returns as they thought it their duty to make. (In great haste.) I have the honor to be, with great respect, your humble serv't. (Signed) JAMES L. FURNESON.

Your committee, after receiving the above letter from the Secretary at State, being desirous to collect all the information within their power, applied at the office of the Alabama Sentinel, one of the newspapers printed in this place, and found, from a paper on file in that office, the resolutions published on the third of May last, and signed officially by the Secretary at State the 24th of the same month, which fact also appears by a paper of that date on file in the office. Your committee were informed by a gentleman in said Sentinel office that they were requested to publish said resolutions by John C. Perry, Esq. with a request that all editors throughout the state would publish said resolutions on the first Monday in August following, and forward their accounts to the Executive Department for payment. On application of your committee at the office of the Tuscaloosa Chronicle, your committee found, from the papers filed in said Chronicle office, the resolutions published the third of May, and officially assented by the Secretary at State on the 24th of the same month. This state printer informed your committee that some short time before the resolutions appears to have been published in his paper, he mentioned to J. C. Perry, Esq. that the resolutions proposing amendments to the constitution, limiting the tenure by which judges hold their offices to seven years, ought to be published. Mr. Thornton being absent, Mr. Perry ascertained that he was astonished that the said resolution was not published. The editor of that paper further informed your committee that he was not requested to publish the said resolutions by the Secretary at State, or Mr. Perry for him, but obtained a copy and made the publication at the time and date above mentioned. Your committee, after examining the papers on file in the printing offices in this place, called on John C. Perry, Esq. at his office, and was informed by that gentleman that he received a note from Col. Thornton, Secretary at State, who was then on a visit to the county of Marengo, requesting him to have the resolutions published, and that he immediately applied at the printing office and requested the editor to make the publication, which he did in his paper of the 3d of May last. He also informed your committee that he did not consider himself authorized to sign the official name of the Secretary of State to said resolutions. Your committee then called upon the Secretary at State, at his office, for the accounts of the different editors in the state, forwarded to that department for payment for publishing said resolutions, expecting to find from the dates of said accounts the day on which the resolutions were first published in their several papers; and on receiving the account of the editor of the Athenian, a paper printed in Lanestown county, your committee found that the account was dated on the 4th of May last, at which time they suppose from that evidence, the resolutions were first published in that paper. The committee next examined the account for publishing said resolutions in a paper printed in Greensborough, and found that the first publication in that paper was the 14th of May last. The account of the editor of the Democrat, printed in Huntsville, appears to have been dated the 9th day of May last, and charges for publishing said resolutions 13 weeks and 6 days. It may not be improper here to state that your committee was informed by the Secretary himself that he verbally requested the editor of the Greensborough paper to publish said resolutions in due time according to law. Your committee was also informed by the Secretary at State that he wrote to the editors at Mobile and Huntsville, requesting them to publish the resolutions, but he was not certain whether in time for them to have made said publication three months previous to the last August election or not; and was also informed by that gentleman that he did not write to any other editor to publish said resolutions. Your committee were informed by the Secretary that he did not know how many papers were printed in the state, neither would he now be able to say without some inquiry on the subject. In answer to that part of the resolution of the House of Representatives, by the authority of which your committee was appointed, the letter of the Secretary herewith submitted will clearly show his construction of the law upon that subject. Your committee without taking upon themselves to judge what were or what is the duty of the Secretary at State, beg leave to state the third section of an act of the last session of the General Assembly, making it the duty of the secretary to publish said resolutions, by which the House will be able to form their own opinions as to the duty



ues of that officer, in relation to the publication of said resolutions: "Sec. 8. And be it further enacted, That it shall be the duty of the Secretary of State, to publish in the several newspapers of this state, a copy of the proposed amendment to the constitution for three months previous to the next general election: Approved, January the 15th, 1828."

Your committee was informed by the Secretary that he forwarded to each of the sheriffs, in the different counties in this state, a copy of the act prescribing the mode of ascertaining the sense of the people on the proposed amendment to the constitution; as will be seen by reference to his letter herewith submitted. It will also be seen by the letter of the Secretary to your committee that he forwarded to all the sheriffs in the state a copy of the act prescribing the mode of ascertaining the sense of the people of the state on the proposed amendment to the constitution, which was not so far as your committee are advised made the duty of that officer. From all of which your committee are bound to say that the resolution proposing amendments to the constitution of this state, limiting the tenure by which judges hold their offices to seven years, were not published in the several newspapers printed in this state, within the time prescribed by law. All of which is respectfully submitted.

THOS COOPWOOD, Chairman

18. Your committee have, since completing their report, been presented with the account of the editor of the Alabama Journal, which is herewith respectfully submitted.

C. COO WOOD.

*Executive Department of the State of Alabama Dr. to Alabama Journal. Aug. 1, 1828. To advertising Joint Resolutions proposing amendments to the Constitution. 6 squares. 12 times. \$39.*

*August 30, 1828.—Please pay the above account to Henry Goldthwaite, and this shall be a receipt.*

MOSELY BAKER, Editor Journal.

Mr Coopwood moved that the report lie on the table, which was carried.

Mr Broadnax obtained leave to introduce a bill to be entitled an act to establish the permanent seat of justice in Autauga county and to provide for erecting the public building, which was read a first time and ordered to be read a second time on to-morrow.

Mr Coopwood obtained leave to introduce a bill to be entitled an act for the relief of Andrew O Horn, tax collector of Lawrence county, which was read a first time and ordered to be read a second time on to-morrow.

Mr Dapuy obtained leave to introduce a bill to be entitled, an act to discontinue an election precinct in the county of Walker and to establish others in lieu thereof, which was read a first time and ordered to be read a second time on to-morrow.

Mr Flournoy offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire whether under the last census, so much of the second section of an act, passed at the last session of the General Assembly of this State, dividing the State into Senatorial Districts, as constitutes one Senatorial District of the counties of Pickens, Fayette and Marion, and one senatorial district of the county of Franklin, be not in contravention of the Constitution of this State, and whether under the provisions of the constitution the counties of Pickens and Fayette ought not to compose one senatorial district, and the counties of Marion and Franklin to compose another senatorial district—and if in the opinion of the said committee, so much of said section as aforesaid be contrary to the provisions of the constitution, the present General Assembly have the power, during its present session, to make any alteration or amendment of the section aforesaid, touching the premises, with leave to report by bill or otherwise. And the question being put, shall this resolution be adopted? it was determined in the negative. Yeas 28—Nays 39.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Ambrister, Anderson, Banks, Barton, Bibb of L. Bibb of M. Bonnell, Bridges, Brown, Coopwood, Dale, Duke, Fearn, Flournoy, Hill, Lane, Lewis of M. Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Smith, of J. Townsend of M. Townsend of P. Welborne and Whitfield.

Those who voted in the negative are, Messrs Speaker, Adams, Barker, Belser, Brandon, Broadnax, Clark, Cawthon, Clough, Cole, Colgin, Cook, Dupey, Durrett, Edmondson, Foster, Harris, Hodges, Hudson, Lawler, Lewis of F. Mardis, Massey, Metcalf, Mobly, Pickens, Richardson, Robinson, Russell, Salter, Sanders, Smith of L. Sykes, Tarver, Terry, Walker of D. Walker of M. Wallis and Weissenger, 39.

Mr Smith of L. offered the following resolution, *Resolved*, That the committee on ways and means, be instructed to inquire into the expediency of reducing the expenses of the General Assembly by reducing the pay of the members of the Legislature and officers, with leave to report by bill or otherwise. Mr Harris moved that the resolution lie on the table till the first day of March next, which was carried. Yeas 44—nays 22.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bonnell, Brandon, Cawthon, Cole, Colgin, Cook, Coopwood, Dale, Durrett, Edmondson, Foster, Harris Hudson, Lane, Lewis of F. Lewis of M. Mardis, Massey, Mobly, Musgrove, Parsons, Perkins, Pickens, Robinson, Russell, Salter, Sanders, Smith of J. Tarver, Townsend of M. Townsend of P. Walker of D. Wallis, Weissinger, Welborn and Whitfield.

Those who voted in the negative are, Messrs Bibb of L. Bibb of M. Bridges, Broadnax, Brown, Clark, Clough, Duke, Dupuy, Fearn, Flournoy, Hill, Hodges, Lawler, Metcalf, McElderry, Parker, Penn, Smith of L. Sykes, Terry, Walker of M.

Mr Hudson obtained leave to introduce a bill to be entitled an act regulating the duties of Justices of the Peace and Constables of this State, which was read a first time and ordered to be read a second time to-morrow.

Mr Cook obtained leave to introduce a bill to be entitled an act to repeal a certain act therein named, which was read a first time and ordered to be read a second time to-morrow.

Engrossed bill to be entitled an act to authorize Clerks of the circuit courts to take bonds of Sheriffs and Coroners in certain cases, was read a third time and passed. Ordered, that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr Belser offered the following resolution: *Resolved*, That a select committee be appointed to draft a memorial to the Congress of the United States, instructing our Senators, and requesting our Representatives to use their united exertions in procuring the most speedy extinguishment of the Creek, Cherokee, Chickasaw and Chactaw Indian title within the geographic boundaries of the State of Alabama. Mr Lewis of M. moved that the resolution lie on the table, which was carried.

The House then proceeded to the orders of the day. A bill to be entitled an act to amend the several laws respecting bail in civil and criminal cases, was read a second time. Mr Flournoy moved to amend it by adding thereto, two additional sections. Mr Walker of D. moved that the bill, together, with the proposed amendments be added to the Judiciary committee, which was carried.

A bill to be entitled an act to prevent the citizens of this State from being sued in civil cases, before any Justice of the Peace, out of the beat in which they may respectively reside, was on motion of Mr Parsons laid on the table till Friday next.

Engrossed bills of the following titles, to wit: an act to amend an act entitled an act to amend the act incorporating the town of Huntsville,

passed the 9th day of January 1828; An act to legitimate and change the name of Nancy Steel, to that of Nancy Curl; An act to locate the seat of Justice in Henry county and for other purposes, were severally read a third time and passed. *Ordered* that their titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled, an act to authorize Archibald McCarns to turn Byler's turnpike road below his mill on Clear creek in Fayette county, was read a second time. Mr Coopwood moved to amend the bill by the following proviso: and provided said Archibald McCarns first obtain the consent of said Byler and his associates, or their legal representatives for said alteration in said road. It was then ordered to a third reading to-morrow.

Engrossed bill from the Senate entitled an act to amend an act entitled an act to authorize the sale of sixteenth sections and for other purposes, was read a second time. Mr Bridges moved that it be referred to a select committee; whereupon Messrs Bridges, Saunders and Cook were appointed said committee.

Mr Barton moved to take from the table the resolution in relation to the estates of testators or intestates; which was lost.

Engrossed bill from the Senate, entitled an act for the relief of John B. Iksum, was read a second time, and ordered to be read a third time to-morrow.

Engrossed bills from the Senate of the following titles, to wit: An act explaining the true intent and meaning of two acts therein mentioned; an act for the relief of Henry Garrard, tax collector of Lauderdale county; an act to authorize Lewis Tyus, of Autauga county, to emancipate certain slaves therein named;—were severally read a third time and passed. *Ordered*, That their titles be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

A bill to be entitled an act to amend an act entitled an act concerning the distribution of intestate's estates, passed December 21st, 1812, was read a second time. Mr Coopwood moved that it be referred to the judiciary committee; which was carried.

A bill to be entitled an act for the relief of George A. Campbell, assessor and tax collector of Autauga county, was read a second time, and ordered to be engrossed and read a third time to-morrow.

Mr Parsons called up the resolution in relation to the estates of testators or intestates. Mr Coopwood offered the following amendment—Without it should be made clear that it would be to the advantage of the heirs or parties concerned in the estate of any intestate or testator, or when no remedy is provided by law for such a disposition as will be most conducive to the interest of all concerned in the distribution of the estate of any intestate or testator; which was lost. Mr Saunders moved that it lie on the table till to-morrow; which was carried.

On motion of Mr Lawler, *Resolved*, That the committee on county boundaries be instructed to inquire whether there are any county or counties in this State that have not their constitutional limits; and if so, from what county or counties such deficiency can best be supplied; with leave to report by bill or otherwise.

And then the House adjourned until to-morrow morning, 10 o'clock.

*Tuesday, December 2, 1828.*

The House met pursuant to adjournment.

A message from the Senate by Mr Lyon; Mr Speaker, the Senate concur in the amendment, made by the House of Representatives, to the bill

entitled an act relating to penal statutes. They have also passed a bill which originated in the House of Representatives, entitled an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, approved December 22, 1826, so far as said act relates to the county of Shelby. They have also passed a bill which originated in the House of Representatives, entitled an act to alter and amend an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone; in which they desire your concurrence.

Engrossed bill from the Senate entitled an act to alter and amend an act entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone, was read a first time and ordered to be read a second time on to morrow.

Mr Brandon presented the petition of sundry inhabitants of North Alabama, praying an alteration of the law on the subject of usury; which was read and referred to the judiciary committee.

Mr Perkins presented the petition of Henry T. Anthony, together with the certificates of sundry gentlemen, praying remuneration for the loss of a certain sum of money therein mentioned; which was read and referred to the committee on propositions and grievances.

Mr Pickens presented the petition of sundry inhabitants of Perry county, praying that a new county may be formed from certain parts of said county and part of Dallas county, on the northwest side of the Alabama river; which was read and referred to the committee on county boundaries.

Mr Fearn presented the memorial of John Lee Beard, praying that the General Assembly may memorialize the Congress of the United States, for an allowance of his claims for property lost in the Seminole campaign; which was read and referred to the same committee as the resolution proposing relief to the purchasers of public lands in this State.

Mr Parker presented the petition of sundry inhabitants of township 17, range No. 11, of Tuscaloosa county, praying to be attached to Fayette county; which was read and referred to the committee on county boundaries.

Mr Whitfield presented the remonstrance of sundry inhabitants of township No. 17, range No. 11, in the county of Tuscaloosa, praying that they may not be annexed to Fayette county; which was read and referred to the committee on county boundaries.

Mr Townsend of M. from the committee on the public printing to which was referred the resolution instructing them to inquire whether the public printing can be expeditiously and well done by either of the printers now in Tuscaloosa or elsewhere in this State, *Reported*, That the committee have made sufficient inquiry to ascertain, with a reasonable degree of certainty, that the public printing can be expeditiously and well done in various places in this State; that, in regard to the abilities of the two printers in this place, who have been elected State Printers successively for the last two years, to perform that service, the committee have no better means of arriving at a conclusion than by reference to the manner in which they have severally discharged their duties in the capacity of State Printers, of which the committee have no other evidence than is already in the possession of this House. Mr Townsend of M. moved that the report lie on the table.

Mr Tarver from the committee on accounts, to which was referred the account of Elisha Duvall, Sheriff of Walker county, for the safe keep-

ing and removal of two prisoners on charge of murder, *Reported*, That the account is not chargeable on the State Treasury, and ask leave to be discharged from the further consideration thereof; which was granted.

*Mr Fearn* from the committee "on lands appropriated for the improvement of navigation," to which was referred so much of the governor's message as relates to the mode of disposing of the lands granted by the congress of the United States for internal improvement, *Reported*, a bill to be entitled, an act concerning the selection and sale of certain relinquished lands granted by the United States to the state of Alabama, to improve the navigation of the Tennessee and certain other rivers of the state aforesaid, which was read a first time. *Mr Fearn* then moved that the bill lie on the table, and that three hundred copies thereof be printed for the use of this house, which was carried.

*Mr Pickens* from the committee on county boundaries to which was referred the bill to be entitled an act to annex a part of the county of Dale to the county of Pike, reported the same without amendment. It was then *ordered* to be engrossed and read a third time to-morrow.

*Mr Whitfield* from the special committee to which was referred the petition of sundry citizens of Tuscaloosa county praying that the mayor and aldermen of the town of Tuscaloosa may be vested with authority to lay out roads within the corporate limits of said town, reported a bill to be entitled an act extending to the mayor and aldermen of the town of Tuscaloosa, the jurisdiction over roads, bridges and ferries, within the corporate limits of said town, which was read a first time, and ordered to be read a second time on to-morrow.

*Mr Flournoy* from the select committee to which was referred the petition of sundry citizens of Pickens county, praying a change of the law prescribing the compensation of jurors, so far as the same relates to that county, reported a bill to be entitled an act regulating the compensation of jurors in Pickens county, which was read a first time and ordered to be read a second time to-morrow.

*Mr Mardis* obtained leave to introduce a bill to be entitled an act supplementary to, and amendatory of the laws relating to executors and administrators, and for other purposes; which was read a first time, and *ordered* to be read a second time on to-morrow.

On motion of *Mr Brodnax*, *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the representative hall this day, at 3 o'clock P. M. for the purpose of electing a senator for the congress of the United States, for the term of six years from and after the 4th of March next; also a Secretary of State, Comptroller and Treasurer.

On motion of *Mr Mobley*, *Resolved*, that the committee on ways and means, be instructed to inquire into the expediency of so amending the law, regulating assessors and tax collectors as to impose heavier penalties for all failures, &c. also to compel all auctioneers to make return of all sales by them made to the comptroller of public accounts, and that they report by bill or otherwise.

*Mr Sykes* obtained leave to introduce a bill to be entitled an act to authorize the building of a jail in Morgan county, which was read a first time and ordered to be read a second time to-morrow.

*Mr Bibb of L.* offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of allowing a non-resident to prosecute an appeal or writ of error in the supreme court, without security to perform and abide the judgement, which may be rescinded, and further to inquire whether, if any person or persons

having obtained a writ of error, or appeal to said court, removed beyond the limits of this state, pending the same said appeal or writ of error, shall not upon motion of the adverse party, be dismissed unless such security as before mentioned be given in sixty days; and further if co-defendants or copartners being defendants obtain such writ of error or appeal, and if one of them removes beyond the limits of this state, the other being insolvent, such security ought not to be provided for by law, with leave to report by bill or otherwise, which was adopted by the house.

On motion of Mr Cole; *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of providing by law for the payment of commissioners of roads and revenue in each county when in service of their county.

On motion of Mr Townsend of P. *Resolved*, that the judiciary committee be instructed to inquire into the expediency of altering the time of holding the general election in this state, so as to meet the convenience of the people better than the first Monday in August, and report by bill or otherwise. Mr Parsons moved to amend it by striking out the words "judiciary" with a view to insert propositions and grievances; which was carried. It was then adopted.

On motion of Mr Saunders, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of defining more particularly the object of an act, passed and approved on the 15th January, 1828, defining the liability of endorsers, and for other purposes as relates to notes, bonds, or contracts, &c. under a magistrate's jurisdiction.

Mr Coopwood who voted in the majority on yesterday, on ordering to a third reading, the bill from the Senate entitled an act to authorize Archibald McCarns to turn Byler's turnpike road below his mill on Clear creek in Fayette county, which was carried. Mr Clark who voted in the majority moved to reconsider a vote given on yesterday, on the adoption of Mr Coopwood's amendment to said bill, which was carried. Mr Perkins then presented the petition of sundry inhabitants of Fayette county on that subject. The bill together with the petition, were severally referred to a select committee consisting of messrs Perkins, Parker, and Duke.

Mr Mardis obtained leave to introduce a bill to be entitled, an act to amend an act entitled an act regulating the solemnization of marriages, passed January 5th, 1805, which was read a first time, and ordered to be read a second time to-morrow.

Mr Pickens who voted in the majority on yesterday, on Mr Flournoys resolution, proposing an alteration in the senatorial Districts, moved to reconsider the vote taken on said resolution which was lost.

A message was received from the Senate by Mr Lyon, their secretary: Mr Speaker, the Senate concur in the resolution of your Hon. body, proposing to go into the election of a senator to the congress of the United States for the term of six years from and after the 4th, March next, also a Secretary of State, Comptroller and Treasurer, this day at 3 o'clock; P. M.

And the house adjourned until 3 o'clock this evening.

*Evening Sessions, 3 o'clock*—The house met pursuant to adjournment.

On motion of Mr Belser; *Resolved*, that the Senate be invited to assemble in the hall of the House of Representatives, for the purpose of proceeding to the election of a senator to congress, secretary of state, comptroller and treasurer, and that the east end of the Hall be assigned for their reception. *Ordered*, that the clerk acquaint the Senate there-

with. The Senate having repaired to the hall of the House of Representatives, both houses then proceeded to the election of a senator to the congress of the United States.

The Hon. Wm. R. King alone being in nomination. For Mr King 90 votes.

Those who voted for Mr King are, Messrs President, Abercrombie Conner, Crawford, Garth, Hubbard, Irwin, McVay, Merriwether, Moore of J. Moore of M. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the Senate; Mr Speaker, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Wellborne, Whitfield—90.

Wm. R. King having received a majority of all the votes given, Mr Speaker therefor declared Wm. R. King duly and constitutionally elected a Senator to the Congress of the United States, for the next ensuing six years from and after the 4th March next.

The two Houses then proceeded to the election of a Secretary of State, for the State of Alabama: James I. Thornton, Logan D. Brandon, John G. Aikin and George W. Crabbs being in nomination. The votes stood thus: Mr Thornton—40—Mr Brandon 11—Mr Aikin 26—Mr Crabbs 13.

Those who voted for Mr Thornton are, Messrs President, Abercrombie, Conner, Irwin, McVay, Merriwether, Perry, Powell, Ross, Smith, Vining, Walthall and Wood of the Senate; Mr Barker, Barton, Bibb of L. Broadnax, Cawthon, Colgin, Cook, Dale, Dupuy, Durrett, Fearn, Flournoy, Gage, Harris, Lewis of M. Massey, Mims, Mobley, Parsons, Perkins, Edmondson, Rogers, Smith of L. Tarver, Terry, Townsend of M. Townsend of P. and Whitfield.

Those who voted for Mr Brandon are, Messrs McVay and Pickett of the Senate; Mr Speaker, Ambrister, Brandon, Duke, Musgrove, Sanders, Walker of M. Weissinger and Wellborne.

Those who voted for Mr Aikin are, Messrs Crawford, Hubbard, Moore of J. and Watkins of the Senate; Mr Anderson, Banks, Belser, Bonnell, Bridges, Brown, Clark, Clough, Cole, Coopwood, Foster, George, Hodges, Hudson, Lea, Lewis of F. Penn, Pickens, Salter, Smith of J. Walker of D.

Those who voted for Mr Crabbs are, Messrs Garth, Moore of M. Skinner of the Senate; Mr Bibb of M. Edmondson, Hill, Lawler, Mardis, Metcalfe, McElderry, Parker, Sykes and Wallis. No one of the candidates having received a majority of the whole number of votes, both Houses proceeded again to the election of a Secretary of State for the term of two years. The name of Logan D. Brandon being withdrawn—James I. Thornton, John G. Aikin and George W. Crabbs being in nomination.

Those who voted for Mr Thornton are, Messrs President, Abercrombie, Conner, Irwin, McVay, Merriwether, Perry, Powell, Ross, Smith, Vining, Walthall and Wood of the Senate; Mr Speaker, Barker, Barton, Bibb of L. Bonnell, Broadnax, Cawthon, Colgin, Cook, Dale, Dupuy, Durrett, Fearn, Flournoy, Gage, Harris, Lane, Lewis of M. Massey, Mims, Mobley, Parsons, Pickens, Robison, Rogers, Smith of L. Tarver, Terry, Townsend of M. Townsend of P. and Whitfield—44.

Those who voted for Mr Aikin are, Messrs Crawford, Hubbard, Moore of J. Pickett and Watkins of the Senate; Mr Ambrister, Anderson, Banks, Belser, Brandon, Bridges, Brown, Clark, Clough, Cole, Coopwood, Duke, Foster, George, Hill, Hodges, Hudson, Lea, Lewis of F. Parker, Penn, Pickens, Salter, Sanders, Smith of J. Walker of D. Walker of M. Weissinger and Wellborne—34.

Those who voted for Mr Crabbs are, Messrs Garth, Moore of M. and Skinner of the Senate; Mr Bibb of M. Edmondson, Lawler, Mardis, Metcalfe, Musgrove, McElderry, Sykes and Wallis—12. None of the candidates having received a majority of the whole number of votes, both Houses again proceeded to the election of a Secretary of State—James I. Thornton and John G. Aikin being in nomination.

Those who voted for Mr Thornton are, Messrs President, Abercrombie Conner, Garth, Irwin, McVay, Merriwether, Moore of M. Perry, Powell, Ross, Smith, Vining, Walthall and Wood of the Senate; Mr Speaker, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Broadnax, Cawthon, Colgin, Cook, Dale, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Gage, Harris, Lane, Lawler, Lewis of M. Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Parsons, Perkins, Robison, Rogers, Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. and Whitfield—53.

Those who voted for Mr Aikin are, Messrs Crawford, Hubbard, Moore of J. Pickett, Skinner and Watkins of the Senate; Messrs, Ambrister, Anderson, Banks, Belser

Brandon, Bridges, Brown, Clark, Clough, Cole, Coopwood, Duke, Foster, George, Hill, Hodges, Hudson, Lea, Lewis of F. Metcalfe, Parker, Penn, Pickens, Salter, Sanders, Smith of J. Walker of D. Walker of M. Wallis, Weissinger and Wellborne—37.

James L. Thornton having received a majority of the whole number of votes, Mr. Speaker therefore declared him duly elected Secretary of State for the ensuing two years.

Both Houses then proceeded to the election of a Comptroller of Public Accounts. Samuel Pickens being in nomination. Those who voted for Mr. Pickens are, Messrs President, Abercrombie, Conner, Crawford, Garth, Hubbard, Irwin, McVay, Merriwether, Moore of J. Moore of M. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood; Mr. Speaker, Ambriester, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Wellborne and Whitfield.—Samuel Pickens having received the whole number of votes given, Mr. Speaker therefore declared him duly and constitutionally elected Comptroller of Public Accounts for the ensuing twelve months.

Both Houses then proceeded to the election of a State Treasurer. John C. Perry being in nomination. Those who voted for Mr. Perry are, Messrs President, Abercrombie, Conner, Crawford, Garth, Hubbard, Irwin, McVay, Merriwether, Moore of J. Moore of M. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the Senate; Messrs Speaker, Ambriester, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Wellborne and Whitfield.—John C. Perry having received all the votes given, Mr. Speaker therefore declared him duly and constitutionally elected Treasurer of the state of Alabama, for the ensuing twelve months. And then the Senate withdrew.

And then the House adjourned until to-morrow morning 10 o'clock.

*Wednesday, Dec. 3, 1828.*

The house met pursuant to adjournment.

Mr. Dupuy presented the petition of sundry inhabitants of Shelby county, praying to be attached to Jefferson county; which was read and referred to the committee on county boundaries.

Mr. Adams presented the petition of sundry inhabitants of township no. 8, range no. 18, east of the basis meridian of St. Stephens, in Covington county, praying to be attached to Pike county, which was read and referred to the committee on county boundaries.

A message from the Senate by Mr. Lyon: Mr. Speaker, the Senate concur in the amendment made by the House of Representatives to the bill entitled an act to authorize Lewis Tyus of Autauga county to emancipate certain slaves therein named. They have passed a bill which originated in their house, entitled an act more effectually to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of the trial by jury, in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives entitled an act to authorize the sheriff or coroner of the county of Shelby, to sell lands and slaves levied on by execution at the town of Montevallo, and have amended the same in the manner herewith shewn. In which they ask your concurrence.

*Ordered*, that the house concur in the amendments made by the Senate to said bill by inserting in the 8th line and 1st section after the word "Montevallo" the words "in the street in front of the Bell Tavern," and also



by adding thereto an additional section. *Mr Clark* moved to amend the amendment made by the Senate, by adding after the word "be" in the 5th line of the 3rd section, the words "levied on," which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled an act more effectually to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury, which was read a first time and *ordered* to be read a second time on to-morrow.

*Mr Clark* from the select committee, to which was referred the bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace, therein contained, made the following report: strike out all the bill after the enacting clause, and insert in lieu thereof, the sections herewith shewn. Amend the preamble of the bill by striking out the word "character" "and" before the word "vexation," in the second line of the preamble and insert it before the word "unnecessary," in the first line of said preamble; also by striking out the words "riots, routs" in the 3rd line of said preamble, and inserting in lieu thereof the word "assaults;" also by inserting in the same line between the words "batteries, affrays" the word "and" also by striking from the fourth line, the words "and breaches of the peace," also by adding to the word cost, in the fifth line the letter "s;" amend the title of the bill by striking therefrom the words, "riots, routs" and insert in lieu thereof the word "and" between the words "batteries, affrays," and by striking therefrom the words, "and breaches of the peace." *Mr Walker* of D. moved that the report lie on the table until Monday next, which was carried.

*Mr Coopwood* from the select committee to which was referred a bill to be entitled an act to prevent retailing spirits to slaves or free persons of colour, *Reported* the same without amendment. *Mr Coopwood* moved that it lie on the table, which was carried.

*Mr Clark* made the following report: The select committee to which was referred a bill to be entitled an act to reduce into one, the several acts giving fees to justices of the peace and constables, *report* that they have had the same under consideration, and have amended the same by striking out all of the bill after the enacting clause, and inserting in lieu thereof four sections herewith shewn, in which they desire the concurrence of the house. *Mr Lawler* moved that the *report* lie on the table until Monday next, which was carried.

On motion of *Mr Bridges*, *Resolved*, That the Cashier of the Bank of the State of Alabama be required to report to this House, what amount is due the bank from the citizens of each county in this State on general accommodation; what amount on special accommodation, and what amount on bills of exchange; and whether any bill of exchange has been purchased on a longer time than four months, and if so, on what time and from what counties. Also, what amount has been discounted to each county since the last apportionment, and what amount has been applied for during the same period.

*Mr Musgrove* obtained leave to introduce a bill to be entitled an act to alter or change the name of a certain person therein named; which was read a first time and ordered to be read a second time to-morrow.

*Mr Harris* offered the following resolution: *Resolved*, That, with the concurrence of the Senate, the two Houses will convene in the Representative Hall at 12 o'clock on Saturday next, for the purpose of electing a Judge for the third, and Solicitor for the second judicial circuit. *Mr Belser* moved that it lie on the table; which was carried.

On motion of Mr Anderson, *Resolved*, That there be a committee appointed to draw up a memorial to the Congress of the United States, instructing our Senators and requesting our Representatives to use their influence to obtain an expression by Congress of the impropriety of any independent government being established in the territory of the United States, other *than* our own; particularly to notice the  *strides* the Cherokee Indians are taking; whereupon Messrs Anderson, Lewis of M. and Pickens were appointed said committee.

The House then proceeded to the orders of the day.

Bills of the following titles, to wit: An act for the relief of sheriffs; an act to authorize Celia Burgess, a free woman of color, to emancipate her daughter, Fanny; an act to emancipate certain slaves therein named; an act to establish the permanent seat of justice in Autauga county, and to provide for erecting the public buildings; an act for the relief of Andrew O. Horn, tax collector of Lawrence county; an act to repeal a certain act therein named; an act regulating the compensation of jurors in Pickens county; an act to authorize the building of a jail in Morgan county;—were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

Engrossed bill entitled an act to authorize Claiborne Williams and associates to turnpike a road therein named, was read a third time. Mr Lewis of F. moved to amend it by adding thereto an additional section by way of engrossed rider; which was carried. Mr Smith of Lauderdale moved to amend Mr Lewis' amendment, by inserting after the word *States*, the words *with the consent of this State*; which was carried. Mr Clark moved further to amend Mr Lewis' amendment by inserting after the word *road* the words *to be paid by the State of Alabama or United States, as the case may be*; which was carried. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to discontinue an election precinct in the county of Walker, and establish others in lieu thereof; which was read a second time and referred to the same committee to which a bill on that subject was heretofore referred.

A bill to be entitled an act regulating the duties of justices of the peace and constables of this State, was read a second time and referred to the judiciary committee.

Engrossed bill from the Senate to be entitled an act for the relief of John Balksum, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

Engrossed bill to be entitled an act for the relief George A. Campbell, assessor and tax collector for Autauga county. Mr Terry moved that it lie on the table; which was carried.

Mr Mardis moved that the resolution in relation to the estates of testators or intestates lie on the table till to-morrow; which was carried.

Engrossed bill from the Senate entitled an act to amend an act entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone, was referred to the committee on roads, bridges and ferries.

Engrossed bill entitled an act to annex a part of the county of Dale to the county of Pike, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act extending to the mayor and aldermen of the town of Tuscaloosa, the jurisdiction over roads, bridges and ferries within the corporate limits of said town, which was read and referred to the committee on the judiciary, on *Mr* Whitfield's motion.

A bill to be entitled an act supplementary to, and amendatory of, the laws relating to executors and administrators, and for other purposes, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to amend an act entitled an act regulating the solemnization of marriages, passed January 5, 1805, was read a second time and referred to the judiciary committee.

And then the House adjourned until to-morrow morning.

*Thursday, December 4th, 1828.*

The House met pursuant to adjournment.

*Mr* Clough presented the petition of sundry inhabitants of Butler and Covington counties, praying that all that part of Butler county lying on the east side of the Patsaligah river, adjoining Covington county, be attached to Covington county; which was read and laid on the table.

On motion of *Mr* Cook, *Resolved*, That the committee on the military be instructed to inquire into the expediency of prescribing a uniform for company officers, to be made of domestic manufacture or other material less costly than the present.

*Mr* Walker of D. who voted in the majority yesterday on the adoption of *Mr* Bridges' resolution in relation to debts due the bank of the state of Alabama, &c. moved to reconsider the vote, which was carried; It was then laid on the table.

*Mr* Hodges then offered the following preamble and resolutions.—Whereas by the eighteenth section of the third article of the constitution of this state, it is provided that the person of a debtor shall not be confined in jail after delivering his goods and chattles for the benefit of his creditors and whereas by the existing laws a debtor may be confined or bound to give security until he notifies all his creditors; and whereas this law may in many instances operate hard on those who have no property, and not able to give security to appear on a certain day to take the benefit of the law, for the relief of insolvent debtors: *Be it therefore resolved*, that the judiciary committee be instructed to inquire into the expediency of providing by law for the abolishment of imprisonment by close confinement provided any individual or individuals arrested by virtue of a ca. sa. will immediately go before the judge of the county court, and render a schedule of all their effects liable to execution, and deliver the same into the hands of the sheriff or other officer, for the benefit of his creditors, and make oath to said schedule, as now required by law after having given the regular notice to creditors; which was adopted.

*Mr* Massey obtained leave to introduce a bill to be entitled an act to repeal in part a resolution entitled a resolution relative to the militia laws of this state, approved on the 13th day of January 1827; which was read a first time, and *ordered* to be read a second time on to-morrow.

*Mr* Barker obtained leave to introduce a bill to be entitled an act to change the names of certain persons therein mentioned, and to legitimate the same; which was read a first time, and *ordered* to be read a second time to-morrow.

The house then proceeded to the orders of the day.

Engrossed bill from the Senate entitled an act more effectually to prevent judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury, was read a second time.

Mr Speaker moved to strike out the second section of the bill, which was lost. Mr Speaker then moved to amend the bill by adding thereto an additional section, which is as follows: "Section—and be it further enacted, that hereafter the judges of the several circuits shall so interchange, that no judge shall preside twice in succession in the same circuit, and may interchange in other respects as they may deem it proper. Mr Clark then moved that the bill together with the proposed amendment be committed to the judiciary committee; which was carried.

A bill to be entitled an act to alter or change the name of a certain person therein named, was read a second time and *ordered* to be engrossed for a third reading on to-morrow.

Engrossed bills of the following titles to wit: An act for the relief of sheriffs; an act to authorize Celia Burgess (a free woman of colour) to emancipate her daughter Fanny; an act to establish the permanent seat of justices in Autauga county and to provide for erecting the public buildings; an act for the relief of Andrew O. Horn, tax collector of Lawrence county; an act regulating the compensation of jurors in Pickens county; and an act to authorize the building of a jail in Morgan county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bill entitled an act to emancipate certain slaves therein named, was read a third time. Mr Whitfield moved that it lie on the table until to-morrow; which was carried.

Engrossed bill entitled an act to repeal a certain act therein named, was read a third time: Mr Mardis moved that it lie on the table, which was carried.

A message was received from the Senate, by Mr Lyon their secretary: Mr Speaker, the Senate have passed bills which originated in their house, entitled an act to change the mode of printing and distributing the acts and journals of the general assembly and for other purposes; and an act to repeal in part an act, approved January 13, 1828, and for other purposes, in which they desire your concurrence. They have passed bills which originated in the House of Representatives entitled an act to emancipate a certain slave therein named; an act to divorce Hugh McVay from Sophia W. McVay; an act to divorce Leecy Lewis from Mordecai Lewis; an act to divorce Clarissa Wade from George W. Wade; and an act to emancipate a certain slave therein named. They concur in the amendment made by your Hon. body to their amendments to the bill entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution, at the town of Montevallo.

Engrossed bills from the Senate of the following titles, to wit: an act to change the mode of printing and distributing the acts and journals of the general assembly and for other purposes; an act to repeal in part an act, approved January 13, 1828, and for other purposes; were severally read a first time and *ordered* to be read a second time to-morrow.

Mr Mardis called up the bill entitled an act to repeal a certain act therein named. Mr Fearn moved that the further consideration of the bill be postponed till the first day of August next, which was lost. Mr Fearn then moved to amend it by way of the following engrossed rider; "*provided*, that no company shall have been formed, or may be formed in accordance with the provisions of the above recited act within — days from and after the passage of this law. Mr Cook moved to amend Mr

Fearn's amendment by striking out all after the word "proviso" with a view to insert the following: that no company shall have been formed according to the provisions of said act, at the time of the passage of this act which was carried. The bill was then put upon its passage; and the question being put, shall this bill pass? It was determined in the affirmative. Yeas 36—nays 31.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Anderson, Banks, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Bridges, Broadnax, Brown, Cawthon, Clough, Cole, Cook, Coopwood, Duke, Durrett, Harris, Hodges, Lane, Lewis of E. Lewis of M. Metcalfe, Mims, Mobley, Musgrove, Parker, Penn, Perkins, Pickens, Saher, Saunders, Terry, Townsend of P. Weissinger and Welborne.

Those who voted in the negative are, Messrs Speaker, Ambrister, Barker, Brandon, Clark, Clifton, Dale, Dupuy, Edmondson, Fearn, Flournoy, Foster, Gage, George Hill, Hadson, Lawler, Mardis, Massey, McElderry, Parsons, Robinson, Rogers, Smith of J. Smith of Laud. Sykes, Tarver, Townsend of M. Walker of M. Wallis and Whitfield.

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

And then the House adjourned until to-morrow morning, 10 o'clock.

*Friday, December 5, 1828.*

The House met pursuant to adjournment.

Mr Lewis of M. presented the petition of sundry inhabitants of Montgomery county, praying to form a new county out of the lower end of said county and so much of Dallas county adjoining the same; which was read and referred to the committee on county boundaries.

Mr Lewis of M. presented the petition of sundry inhabitants of Montgomery county, praying that an election precinct be established at Pearce Stephen's, in said county; which was read and referred to the same committee as bills heretofore on the same subject were referred.

Mr Broadnax presented the account of Eli Abbott, jailor of Autauga county; which was read and referred to the committee on accounts.

Mr Tarver presented the accounts of Aaron Riders, James Yeates, jailors of Limestone and Greene counties; also, the accounts of the jailors Lauderdale and Jefferson counties; which were severally read and referred to the committee on accounts.

Mr Barton from the judiciary committee, to which was referred the petition of sundry inhabitants of the county of Madison, praying that the usury laws be so amended as that no forfeiture shall accrue to the lender more than the interest contracted for, *Reported*, That it would be inexpedient so to modify the law as prayed for by the petitioners, and that their prayer ought not to be granted; in which report the House concurred.

Mr Barton from the judiciary committee, to which was referred a bill to be entitled an act to amend an act entitled an act to regulate the rate of interest, passed the 17th of December, 1819, *reported* the same with the following amendments: In the fifth line, between the words *oath* and *of*, insert the word *alone*; and between the words *but* and *and*, in the eleventh line, insert the following: "*Provided*, That the obligee or payee, to such bond, note or other writing, be dead at the time of the trial of such suit;" and also by adding thereto two additional sections. *Ordered*, That the House concur in the amendment to said bill by inserting after the word *oath* the word *alone*. Mr Smith of Lauderdale moved that the further consideration of the bill be postponed until Monday next; which was carried.

Mr Barton from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the existing laws as to provide more effectually against extortion by

Sheriffs and others, and whether it may not be proper to provide for their removal from office upon conviction; and to which was referred a farther resolution to inquire into the expediency of requiring by law, that all justices of the peace and clerks of the circuit and county courts, should enter into bond, &c. to be approved by the judge of the county court, conditioned, &c. *Reported* A bill to be entitled an act to provide more effectually against extortion by sheriffs, coroners, constables, clerks and justices, and for other purposes; which was read a first time and ordered to a second reading on to-morrow.

Mr Barton from the judiciary committee, to which was referred a bill to be entitled an act to amend an act entitled an act concerning the distribution of intestate's estates, passed December 21, 1822, reported the same without amendment. Mr Bibb of M. moved that it lie on the table; which was carried.

Mr Barton from the judiciary committee, to which was referred a resolution on the subject, *Reported* a bill to be entitled an act to amend an act directing in what manner suits may be brought against the State of Alabama, approved January 6, 1827; which was read a first time and ordered to a second reading on to-morrow.

Mr Colgin from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Madison county, praying the passage of a law to exempt all persons not liable to do military duty, and who may not be liable to work on roads, from serving as apportioners of hands, or as overseers of roads, *Reported* a bill to be entitled an act explanatory of an act entitled an act to reduce into one the several acts concerning roads, bridges and highways; which was read a first time and ordered to be read a second time to-morrow.

Mr Tarver from the committee on accounts, to which was referred the account of Ephraim Pharr, jailer of Wilcox county, *Reported*, That the committee have no evidence that the account is chargeable on the State, and ask leave to be discharged from the further consideration thereof. Mr Bridges moved that the account be recommitted to the same committee, with instructions to report the allowance as charged in the account; which was carried.

*Ordered*, That Messrs Gage and Colgin have leave of absence until Monday next.

A message was received from the Senate by Mr Crabb, their assistant secretary: Mr Speaker, I am instructed to inform the House of Representatives that the Senate have read three several times and passed a bill to be entitled an act for the relief of Henry S. Foote; in which they desire the concurrence of your honorable body.

Engrossed bill from the Senate entitled an act for the relief of H. S. Foote was read a first time and ordered to be read a 2d time to-morrow.

Mr Clark made the following report: The select committee to which was referred a resolution to inquire whether the returns by the sheriffs of the several counties of this State, of the late election of electors of President and Vice-President, have been made at the time prescribed by law, and whether delinquent sheriffs in this respect, are, by the existing laws, entitled to any compensation in such cases; and whether other penalties or liabilities ought, by law, to be imposed on sheriffs for failing to make returns of the votes of the people, *Report*, That they have called upon the Secretary of State, and ascertained from him, that returns of the votes given in said election have been received and counted from all the counties in the State, except Blount, Dale, Henry, Monroe, Pike and Wilcox; and that said returns were, by the proper authority, appointed

By law to examine and count the votes for electors of President and Vice-President, considered as made within the time prescribed by law. The committee are not aware of any law in existence which will entitle any sheriff to compensation for a service which he has not performed. The committee are also of opinion that the existing laws impose sufficient penalties on sheriffs for failing to make returns of the votes of the people for said electors, and that no other liabilities are necessary to be imposed. It was then laid on the table.

Mr Bridges from the select committee to which was referred the petition of the county court, and commissioners of roads and revenue of Wilcox county, praying that a sum of money may be refunded to said county, which sum was improperly paid out of the county treasury, *reported* a bill to be entitled an act to refund to the county treasury of Wilcox county a sum of money therein mentioned; which was read a first time, and *ordered* to a second reading to-morrow.

Mr Terry called up the message of his excellency the governor in relation to the resolutions of the states of Maine and Connecticut, in relation to making internal improvements by appropriations from the revenue of the United States; also various other resolutions of other states on different subjects. *Ordered*, that said message, with the different resolutions, be referred to a committee of the whole house, and be made the *order* of the day for Monday next.

Mr Barton called up the bill to be entitled an act concerning the selection and sale of certain relinquished lands granted by the United States to the state of Alabama, to improve the navigation of the Tennessee and certain other rivers of the state aforesaid. It was read a second time, and referred to a committee of the whole house, and made the *order* of the day for Thursday next.

Mr Weissinger obtained leave to introduce a bill to be entitled an act to authorize the judge of the county court, and commissioners of revenue and roads of the county of Perry, to make a certain appropriation therein named; which was read a first time and *ordered* to a second reading to-morrow.

Mr Pickens obtained leave to introduce a bill to be entitled an act to authorize the appointment of supervisors of roads, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Belser, *Resolved*, that the committee on the state capital be instructed to inquire of the commissioners appointed to contract for, and superintend the erection of the public buildings, a memorandum of the names of those who have heretofore contracted for any part or parts, of the said work; the names of those who now have contracts not completed; the amount paid or promised to be paid on each contract, and also to inquire into the propriety of compelling by law the said commissioners to report to this house the progress of said work, within the first week of each annual session, until it shall be completed.

On motion of Mr Parker, *Resolved*, that the judiciary committee inquire into the expediency of compelling the different judges of the county courts of this state; and the commissioners of roads and revenue to attend their respective courts prescribed by law, under a certain penalty, with leave to report by bill or otherwise.

On motion of Mr Flournoy, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of providing by law a more speedy and efficient remedy for the relief of creditors and securities against persons attempting to run their property out of this state.

The house then proceeded to the orders of the day.

A resolution in relation to the transfer, sale or distribution of the real estates of testators or intestates being under consideration. *Mr Durrett* moved that the resolution lie on the table till the first Monday in August next; which was lost. Yeas 10—nays 58.

*The yeas and nays being desired, those who voted in the affirmative are, messrs. Belser, Broadnax, Cole, Coopwood, Durrett, Edmondson, Hodges, Hudson, Lewis of F. and Terry—10.*

*Those who voted in the negative are, messrs. Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Brown, Clark, Cawthon, Clough, Cook, Dale, Duke, Dupuy, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Lane, Lawler, Lewis, of M. Mardis, Massey, Metcalf, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robinson, Rogers, Salter, Sanders, Smith, of J. Smith of L. Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Walliz, Weissinger, Wellborne and Whitfield—58.*

*Mr Bridges* moved to amend the resolution by striking out the words "specialand," which was lost. The question was then, shall the resolution be adopted? which was carried. Yeas 55—nays 13.

*The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker, Adams, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Brown, Clark, Cawthon, Clough, Cook, Dale, Dupuy, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Lane, Lawler, Lewis of M. Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robinson, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Walker of M. Walliz, Weissinger, Wellbourn and Whitfield—55.*

*Those who voted in the negative are, messrs. Ambrister, Belser, Bridges, Broadnax, Cole, Coopwood, Duke, Durrett, Edmondson, Hudson, Lewis of F. Metcalf and Terry.*

A bill to be entitled an act to repeal in part a resolution entitled a resolution relative to the militia laws of this, state approved on the 13th of January, 1227, was read a second time, and *ordered* to be engrossed for a third reading on to-morrow.

And then the house adjourned until to-morrow morning 10 o'clock.

*Saturday, December 6, 1828.*

The house met pursuant to adjournment.

*Mr Mardis* from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Morgan county in the case Matilda S. Chunn, by her next friend, &c. against Lancelott Chunn her husband for divorce, *Reported* a bill to be entitled an act to divorce Matilda S. Chunn from Lancelott Chunn; which was read a first time and *ordered* to a second reading on Monday next.

*Mr Parsons* from the select committee to which was referred the bill to repeal the law, prohibiting slaves from being brought into this state for sale or hire; and also the resolution upon that subject, reported that they believe it to be inexpedient to provide for taxing property permitted to be brought into this state for sale, as such tax would be paid in the end by the purchaser, our own citizen; and they believe the power to levy such tax would be justly questionable upon constitutional grounds, and by adding thereto two additional sections; which were concurred in by the house. The bill was then laid on the table until Monday next.

A message from the Senate by *Mr Lyon*:—*Mr Speaker*, the Senate have passed bills which originated in their house entitled an act to alter and change a certain part of the road leading from Florence in Lauderdale county to Athens in Limestone county, and an act to amend



an act passed at the last session of the general assembly, authorizing a lottery in Henry county and for other purposes; in which they desire your concurrence. They have passed bills which originated in the House of Representatives entitled an act to legitimate and change the name of Nancy Steel to that of Nancy Curl; an act to locate the seat of justice in Henry county; and for other purposes, and an act to authorize clerks of the circuit courts to take bonds of sheriffs and coroners in certain cases; and have amended the latter bill by adding the words "*assessors and tax collectors*" after the word "*sheriff*" wherever it occurs in the bill, so as to authorize clerks of the circuit courts to take bonds from their officers in certain cases; and also, by adding thereto, two additional sections; in which amendments they desire your concurrence.

Engrossed bills from the Senate of the following titles to wit: an act to amend an act passed at the last session of the general assembly, authorizing a lottery in Henry ct'y and for other purposes; an act to alter and change a certain part of the road leading from Florence in Lauderdale county to Athens in Limestone county, were severally read a first time and *ordered* to be read a second time on Monday next.

Engrossed bill entitled an act to authorize clerks of the circuit courts to take bonds of sheriffs and coroners in certain cases, was, on motion of *Mr Barton*, laid on the table til Monday next.

*Mr Perkins* from the select committee to which was referred the engrossed bill from the Senate entitled an act to authorize Archibald McCarnes to turn Byler's turupike road below his mill on clear creek in Fayette county, with the proposed amendment, reported the bill, and recommend the rejection of the amendment as proposed. *Mr Coopwood* moved that it lie on the table until Monday next, which was carried.

*Mr Wallis* from the select committee to which was referred the petition of John Moore and Holt C. Fergusson, to change the names of certain persons therein named, reported a bill to be entitled an act to legitimate and change the name of Preston Newberry to Preston Moore, and for other purposes; which was read a first time and ordered to be read a second time on Monday next.

*Mr Clark* offered the following resolution: *Resolved*, that the committee on county boundaries be instructed to inquire into the expediency of annexing from some adjoining county to the county of Bibb, so much additional territory as will make the said county of Bibb constitutional, which was adopted. Yeas 30—nays 29.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Bonnell, Broadnax, Brown, Clark, Cawthon, Cook, Coopwood, Durrett, George, Harris, Hill, Hodges, Lane, Mardis, Metcalf, Mims, Mobley Musgrove, McElderry, Parker, Pickens, Richardson, Smith of L. Terry, Townsend of M. Townsend of P. Weisinger—30.*

*Those who voted in the negative are messrs Banks, Barker, Barton, Belser, Bibb of L. Bibb of M. Clough, Cole, Dale, Duke, Edmondson, Fearn, Foster, Lowler, Massey, Parsons, Penn, Perkins, Robinson, Rogers, Salter, Sanders, Sykes, Tarver, Walker of D. Walker of M. Wallis, Welbourne, Whitfield—29.*

*Mr Massey* presented the account of Austin Hood; which was read and referred to the committee on accounts.

*Mr Musgrove* called up the petition of Henry Linton; it was then re-committed to the committee on propositions and grievances with instructions to report a bill.

The House then proceeded to the *orders* of the day.

Bills of the following titles, to wit: an act to change the names of certain persons therein mentioned and to legitimate the same; an act to au-

authorize the judge of the county court, and commissioners of revenue and roads of the county of Perry to make a certain appropriation therein named; were severally read a second time and *ordered* to be engrossed for a third reading on Monday next. Engrossed bills of the following titles, to wit: an act to alter or change the name of a certain person therein named; an act to emancipate certain slaves therein named; an act to repeal in part a resolution entitled, a resolution relative to the militia laws of this state, approved on the 13th day of January, 1827, were severally read a third time and passed. *Ordered* that their titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled an act to change the mode of printing and distributing the acts and journals of the general assembly, and for other purposes, was read a second time. Mr Parsons moved to amend the 6th section by inserting after the word "persons," the words "*on his or their application.*" Mr Parsons moved further to amend the 8th section of the bill by striking out the words "so elected," with a view to insert the words "*contracted with.*" The bill together with the proposed amendments was then laid on the table, and one hundred copies thereof *ordered* to be printed for the use of the house.

Engrossed bill from the Senate entitled an act to repeal in part an act approved January 13th, 1828, and for other purposes, was read a second time. Mr Parsons moved to amend it by adding thereto an additional section: Mr Mardis then moved that the bill, with the proposed amendment, lie on the table; which was carried.

A bill to be entitled an act to authorize the appointments of supervisors of roads, was read a second time, and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to amend an act, entitled an act directing in what manner and in what courts, suits may be brought against the state of Alabama, approved January 6th, 1827, was read a second time, Mr Pickens moved that it lie on the table till Monday next; which was carried.

A bill to be entitled an act explanatory of an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, was read a second time. Mr Walker of D. moved to amend it by adding thereto an additional section. Mr. Clark moved to amend Mr Walker's amendment by adding the words "*out of the road fund.*" Mr Weissinger moved that the bill, with the amendments, lie on the table till Monday week next, which was carried.

Engrossed bill from the Senate entitled an act for the relief of Henry S. Foote, was read a second time and laid on the table till Monday next.

A bill to be entitled an act to refund to the county treasury of Wilcox county a sum of money therein mentioned, was read a second time. It was then, with a petition on the subject, referred to the committee on accounts, on Mr Clark's motion.

A bill to be entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, was laid on the table till Monday next.

A bill to be entitled an act to provide more effectually against extortion by sheriffs, coroners, constables and justices, and for other purposes, being under consideration; Mr Bibb of L. moved that the House adjourn until Monday morning, nine o'clock; which was carried.

*Monday, December 8, 1828.*

The House met pursuant to adjournment.

Mr Barker presented the petition of William A. Lewis, praying compensation for services rendered the State; which was read and referred to the committee on propositions and grievances.

Mr Townsend of M. presented the petition of sundry citizens of the city of Mobile, praying an amendment of the law to incorporate the "Mobile Marine Rail Way and Insurance Company;" which was read and referred to a select committee, consisting of Messrs Townsend of M. Mims and Cook, to consider and report thereon.

Mr Dupuy presented the petition of Jack Walton, a free man of color, accompanied with the certificate of sundry citizens of Jefferson county, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances.

Mr Richardson presented the petition of sundry inhabitants of Greene county, praying the passage of a law to divide said county, so as to make the Black Warrior river the line between the territory on the different sides of it, and to create a county out of the territory on the west side, and an addition of territory to be taken from the counties that lie contiguous, and another county on the east side, of the territory which lies there, with a like addition of territory, to be made from the counties that lie contiguous thereto; which was read and referred to the committee on county boundaries.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to provide for keeping in repair a certain road therein mentioned; which was read a first time and ordered for a second reading on to-morrow.

Mr Parsons, who voted in the majority in concurrence of the report of the select committee on the bill entitled an act to repeal a certain act therein named, moved to reconsider the vote; which was carried.

Mr Pickens obtained leave to introduce a bill to be entitled an act to regulate the proceedings in the courts of law in this State; which was read a first time and ordered to a second reading to-morrow.

The House then proceeded to the orders of the day.

Mr Walker of D. called up the bill entitled an act to authorize clerks of the circuit courts to take bonds of sheriffs and coroners in certain cases. *Ordered*, That the House concur in the amendment made by the Senate to the first section, by adding after the word *sheriffs*, the words *assessor and tax collector*. Mr Walker of D. moved to amend the amendment made by the Senate, by adding after the words *assessor and tax collector*, the word *thereafter*; which was carried. Mr Clark moved that the House disagree to the amendment made by the Senate by adding thereto section numbered six; which was carried. Yeas 46—Nays 19.

*The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Adams, Anderson, Barton, Belser, Bibb of L. Bibb of M. Bonnell, Brundon, Brown, Clark, Cuthon, Cole, Cook, Dale, Durrett, Edmondson, Fearn, Flournoy, George Harris, Lane, Lawler, Lea, Lewis of F. Lewis of M. Mardis, Mims, Musgrove, McElderry, Parsons, Penn, Perkins, Richardson, Rogers, Salter, Saunders, Sykes, Tarver, Terry, Townsend of M. Walker of D. Walker of M. Wallis, Weissinger and Welborne.*

*Those who voted in the negative are, Messrs Ambrister, Banks, Barker, Bridges, Broadnax, Clough, Coopwood, Duke, Dupuy, Foster, Hodges, Massey, Metcalfe, Mobley, Parker, Pickens, Smith of Laud, Townsend of P. and Whitfield.*

Mr Barton moved to amend the amendment of the Senate in the 7th section, by adding, after the word *original*, the words *under the certificate of the clerk of its being a true copy*; which was carried. Mr Clark

then moved to strike out section, number seven; which was lost. *Mr* Barton moved to strike out the word *circuit* where it occurs in said section, with a view to insert *county*; which was carried. *Mr* Cook moved to amend the section by inserting after the word *county* the following: *Except the bonds of the judge of the county court and clerk of the county court, which shall be recorded in the clerk's office of the circuit courts, in a book to be kept for that purpose*; which was carried; in which several amendments the House concurred. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by *Mr* Lyon: *Mr* Speaker, The Senate have passed bills which originated in their House entitled an act to authorize Zachariah Holly to emancipate certain slaves therein named, and an act authorizing the liberation of certain slaves; in which they desire your concurrence. They have also passed bills which originated in the House of Representatives entitled an act to divorce Elizabeth S. Littlepage from Thomas W. Littlepage; and an act to amend the act entitled an act to amend the act incorporating the town of Huntsville passed the 9th day of January, 1828.

Engrossed bills from the Senate of the following titles, to wit: An act authorizing the liberation of certain slaves; an act to authorize Zachariah Holly to emancipate certain slaves therein named;—were severally read a first time and ordered to a second reading to-morrow.

A bill to be entitled an act to provide more effectually against extortion by sheriffs, coroners, constables, clerks and justices, and for other purposes, was read a second time. *Mr* Clark offered the following amendment: Amend the 4th section of the bill by striking therefrom, commencing with the word *for* in the 12th line, and ending with the word *condition* in the 14th line, so that it will read, Conditioned that such justice will well and truly pay, &c. *Mr* Penn then moved that the bill, together with the proposed amendments, lie on the table till Wednesday next; which was carried.

A bill to be entitled an act to divorce Matilda S. Chunn from Lancelott Chunn, was read a second time. *Mr* Bibb of M. moved to amend it by an additional section, number 2; which was carried. It was then ordered to be engrossed for a third reading to-morrow.

Engrossed bill from the Senate entitled an act to amend an act passed at the last session of the General Assembly, authorizing a lottery in Henry county, and for other purposes, was read a second time and ordered to a third reading to-morrow.

Engrossed bill from the Senate entitled an act to alter and change a certain part of the road leading from Florence, in Lauderdale county, to Athens, in Limestone county, was read a second time and referred to the committee on roads, bridges and ferries, to consider and report thereon.

A bill to be entitled an act to legitimate and change the name of Preston Newberry to Preston Moore, and for other purposes, was read a second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bills of the following titles, to wit: An act to change the names of certain persons therein named; an act to authorize the judge of the county court and commissioners of revenue and roads of the county of Perry, to make a certain appropriation therein named;—were severally read a third time and passed. *Ordered*, That their titles be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein contained being under consideration, *Mr* Bridges moved that the further consideration of the bill be

Indefinitely postponed; which was lost. Yeas 32—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker, Adams, Barker, Barton, Bonnell, Brandon, Bridges, Cawthon, Clough, Cole, Cook, Dale, Flournoy, Foster, Harris, Lawler, Lewis of F. Lewis of M. Madis, Mims, Mobley, McElderry, Parsons, Penn, Perkins Richardson, Robinson, Sater, Sykes, Taiver, Townsend of P. Walker of D—32.

Those who voted in the negative are, messrs Ambrister, Anderson, Banks, Belser Bibb of L. Bibb of M. Broadnax, Brown, Clark, Coopwood, Duke, Dupuy, Durrett, Edmondson, George, Hill, Hodges, Lane, Lea, Massey, Metcalfe, Musgrove, Parker, Pickens, Rogers, Saunders, Smith of Laud. Terry, Walker of M. Wallis, Weissinger, Welborne and Whitfield—33.

Mr Coopwood moved that the bill lie on the table till to-morrow; which was carried.

A bill to be entitled an act to reduce into one the several acts giving fees to justices of the peace and constables, then being under consideration; Mr Mobley moved that it lie on the table till Wednesday next; which was lost. Mr Bridges then moved to strike out the 4th section; which was lost. The amendments were then concurred in by the House, and the bill ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to repeal a certain act therein named, being under consideration; Mr Coopwood moved to amend the third section by striking out the words "or any person who shall purchase;" which was carried. Mr Parsons moved to amend it by adding thereto an additional section, numbered four; which was carried. The amendments were then concurred in by the House, and the bill ordered to be engrossed for a third reading to-morrow.

Engrossed bill from the Senate entitled an act to authorize Archibald McCarns to turn Byler's turpike road below his mill on Clear creek, in Fayette county, then being under consideration; the question was then put on concurrence with the report of the committee; which was lost. Mr Fearn then moved that the further consideration of the bill be postponed till the first day of August next; which was carried.

A message was received from his excellency the Governor by James I. Thornton, which is as follows.

*The Hon. Speaker and Members of the House of Representatives:*

EXECUTIVE DEPARTMENT, DECEMBER 6, 1828.

Gentlemen—The commissioners, authorized by the act of the last session, to obtain for the state a loan of \$100,000, employed Dr Thomas Casey and the Hon David Hubbard, or either of them, as agents on their part to negotiate the loan. Dr Casey set out for the northern cities, as soon as he could make the necessary arrangements, and finding it impossible at the period of his arrival to effect the loan, on account of the peculiar pressure in the money market, which various circumstances had combined to produce, he thought it his duty to consult the interests of the state by his return, when there was no immediate prospect of effecting the object of his agency. The Hon David Hubbard who had contemplated, at the time of his being appointed an agent, to visit the northern cities, in the spring or early part of the summer, was forced by circumstances to decline his intention, and gave early notice to the commissioners, upon which John J. Crocheron, Esq. of Cahawba, was appointed agent, and attended to the subsequent part of the negotiation. The documents herewith transmitted will do honor to the zeal, the ability, and liberal public spirit of the agents. Mr Crocheron declines to make any charge for his zealous and repeated efforts, and Dr Casey only asks indemnity for the time which was actually spent in the exclusive business of endeavoring to obtain the loan. I am unable to make with confidence, at the present moment, any particular recommendation on the subject of the proposed loan, but the course which ought to be pursued will be dictated by circumstances. It is probable that we can obtain the loan with great facility, if we should continue to seek it; but if the causes which induced us to

authorize it have passed away, or if other expedients may be rendered equally effectual, it would be consistent with the dignity of a prosperous and thriving state to retire, at present, from a market in which we lately applied for accommodation without success. I have the honor to be, very respectfully, your obedient servant.

JOHN MURPHY.

Mr Pickens moved that the communication, with the accompanying documents, lie on the table; which was carried.

Mr Perkins offered the following resolution: *Resolved*, that the committee on county boundaries be instructed to inquire, if Bibb county be unconstitutional; to what county or counties its territory was attached that made it so; and whether the line recently run between the counties of Tuscaloosa and Bibb be in conformity with the previously existing laws; which was laid on the table till to-morrow.

Mr Parsons obtained leave to introduce a bill to be entitled an act to reduce into one the several acts in relation to the manner of electing electors for President and Vice President of the United States, and for other purposes; which was read a first time.

And then the house adjourned until to-morrow morning 10 o'clock.

*Tuesday, December 9, 1838.*

The house met pursuant to adjournment.

Mr Parsons presented the petition of sundry inhabitants of Monroe and Clark counties, praying the passage of a law to authorize William F. Ware to establish a ferry across the Alabama river, at a place called Sizemore's ferry; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, that with the concurrence of the House of Representatives, the Senate will assemble in the representative hall at 3 o'clock, P. M. on Thursday next, for the purpose of electing a judge for the third judicial circuit, and a solicitor for the second circuit. They have passed bills which originated in their house entitled an act for the relief of Joseph Bates, Jun. tax collector for Mobile county; and an act prescribing the mode of trying contested elections of certain county offices; in which they ask your concurrence. They have passed bills which originated in the House of Representatives entitled an act regulating the compensation of jurors in Pickens county; and an act authorizing Celia Burgess, a free woman of colour, to emancipate her daughter Fanny.

Mr. Coopwood moved that the resolution proposing to go into the election of a Judge and Solicitor, lie on the table until Saturday next, which was carried.

Engrossed bill from the Senate, entitled an act for the relief of Joseph Bates, Jun. tax collector of Mobile county, was read a first time and ordered to a second reading to morrow.

Engrossed bill from the Senate entitled an act prescribing the mode of trying contested elections of certain county officers was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee.

Mr Lewis of F. presented the petition of sundry inhabitants of Franklin county, praying the passage of a law to remove the seat of justice of said county from the town of Russelville to the town of Tuscumbia; which was read and referred to a select committee, consisting of messrs Coopwood, Wallis and Edmondson, to consider and report thereon.

Mr Gage presented the petition of sundry inhabitants of Perry county,

praying to be attached to that part of Greene county which lies on the east side of the Warrior river; which was read and referred to the committee on county boundaries.

*Mr Gage* presented the petition of sundry inhabitants of Greene county, praying the passage of a law to divide the county of Greene so as to make the Black Warrior river the line between the territory on the different sides of it, and to create a county out of the territory on the west side, and an addition of territory to be taken from the counties that lie contiguous; and another county on the east side of the territory, which lies there with a like addition of territory to be made from the counties that lie contiguous thereto; which was read and referred to the committee on county boundaries.

A message was received from the governor by James I. Thornton, which is as follows.

EXECUTIVE DEPARTMENT, TUSCALOOSA, DEC. 8, 1828.

*The Hon Speaker and Members of the House of Representatives.*

Gentlemen—I have the pleasure to transmit you the report of the Attorney General, and of the assistant counsel, in the case of the St Stephens Steamboat Company, decided at the last session of the supreme court of this state, together with a transcript of the proceedings.

I have this occasion also to give you official notice, as a matter of form, of the vacancy in the office of the Solicitor in the 5th judicial circuit, occasioned by the death of George of J. M. M. White, the promising and greatly respected officer who last filled it. I have the honor to be, most respectfully, your obedient servant.

JOHN MURPHY.

*Ordered*, that said message, together with the accompanying documents, lie on the table.

*Mr George* presented the memorial of sundry inhabitants, of the 16th section township no. 1, in range, no. 11, west, in Lauderdale county, praying the passage of a law relieving them from paying a higher rate of interest than purchasers are required to pay by an act of the last session of the general assembly, which was read and referred to the committee on propositions and grievances to consider a report thereon.

*Ordered*, that messrs Bridges and Clough be added to the committee on propositions and grievances.

*Mr Mardis* from the committee on divorce and alimony to which was referred the record and proceedings of the circuit court of Montgomery county, in the case Benjamin D. Hassell against Mary his wife, for a divorce, reported that the record in the above case is not authenticated according to law, and ask leave to be discharged from the further consideration of the same: it was then laid on the table.

*Mr Harris*, from the committee on propositions and grievances, to which was referred the petition of William M. Marr, praying the passage of a law authorizing a judge of the circuit court in this state, to investigate at what time legal titles were vested in the state to certain lands therein described, *Reported* that the prayer of the petitioner is unreasonable and ought not to be granted. *Mr Mardis* moved that it be committed to the judiciary committee, which was carried.

*Mr Bridges*, from the select committees, to which was referred the engrossed bill from the Senate entitled an act to amend an act entitled an act to authorize the sales of sixteenth sections and for other purposes, *Reported* the bill as amended by adding thereto two additional sections; which were concurred in by the house. *Mr Bridges* moved to amend the 1st section of the bill by inserting after the word "elected" the words "or appointed" which was carried. *Mr Pickens* then moved that it lie on the table till to-morrow which was carried.

*Mr Fearn*, from the select committee to which was recommitted the petition of sundry citizens of Madison county, praying the passage of a law to authorize the judge of the county court and commissioners of roads and revenue of Madison county, to cause to be apportioned a part of the hands liable to work on roads, to drain certain ponds therein named, *Reported* a bill to be entitled an act to authorize the draining of certain ponds in the county of Madison; which was read a first time and ordered to a second reading to-morrow.

*Mr Smith* of *Laud* offered the following resolution: *Resolved*, That the committee to whom was referred a resolution on the subject of memorializing Congress in relation to land debtors, &c. be instructed to memorialize Congress to give to this State all the relinquished lands, not donated by an act of its last session, lying in the counties bordering on the Tennessee river; also, all vacant or unappropriated lands lying in said counties, to be disposed of by the Legislature of this State (Alabama) without regard to a minimum or any other restriction. *M Parsons* moved to amend the resolution by striking out all after the word "resolved," with a view to insert the following: "That the committee in preparing the memorial of the Assembly of Alabama to the Congress of the United States, request the Congress to make a donation of four hundred thousand acres in favor of the State, of the relinquished lands lying in the counties bordering on the river Alabama, to be applied to the opening of the Coosa river, and making a canal, so as to connect the waters of the Tennessee and Coosa rivers, and the surplus, if any, for opening such other rivers in South Alabama as the Legislature of the State may direct. The resolution, with the proposed amendment, was then laid on the table till to-morrow.

*Mr Terry* obtained leave to introduce a bill to be entitled an act to repeal an act entitled an act to increase the capital of the Bank of the State of Alabama, approved January 12, 1828; which was read a first time and ordered to be read a second time to-morrow.

On motion of *Mr Mardis*, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency or inexpediency of so attaching all of the 8th township, lying east of the Patsaligah river, to the county of Pike, in ranges 17 and 18; and the said committee be instructed to report by bill or otherwise.

*Mr Walker* of *D.* called up the message of his excellency the Governor on the subject of negotiating a loan for the Bank of the State of Alabama. It was then, with the accompanying documents, referred to the committee on the State Bank to consider and report thereon.

On motion of *Mr Anderson*, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of imposing by law some adequate penalty upon the judges of the circuit courts for failing or neglecting to hold courts in any of the counties of the circuit in which they may preside; and report by bill or otherwise.

On motion of *Mr Barton*, *Resolved*, That the judiciary committee be instructed to inquire what alteration, if any, should be made in the time of holding the several circuit and county courts of this State; with leave to report by bill or otherwise.

On motion of *Mr Lea*, *Resolved*, That the judiciary committee be instructed to inquire into the policy and expediency of so altering the time of holding the circuit courts in Greene county, that the difficulty so complained of by the citizens of said county be remedied in crossing that tremendous water course, to wit: the Black Warrior river.



On motion of *Mr Bonnell*, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of attaching to Montgomery county just so much territory from Dallas and Wilcox counties adjoining the same, as will form two constitutional counties, without reducing said counties of Dallas and Wilcox below their constitutional limits, with leave to report by bill or otherwise.

On motion of *Mr Penn*, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of prohibiting the emigration of free persons of color to this State; and that they report by bill or otherwise.

On motion of *Mr Lea*, *Resolved*, That the judiciary committee be instructed to inquire into the policy and propriety of abolishing imprisonment for debt. And further, if said committee consider it inexpedient to pass such a law, whether the boundary lines of each and every county in this State, ought not to be recognized for the prison bounds in each and every county in said State.

*Mr Hodges* offered the following resolution: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of changing the present mode of assessing and collecting the taxes of this State, so as to have the assessment made by a justice of the peace, or some other suitable person in each beat, and collected by the several sheriffs in this State; with leave to report by bill or otherwise; which was lost.

On motion of *Mr Parker*, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of having the laws of this State digested and reduced to a more convenient form than they are at present; and also, of the propriety of discontinuing and expunging from said digest, such laws and parts of laws as have been repealed by subsequent acts of the Legislature, or are obsolete from the lapse of time and their own limitation; and that said committee have leave to report by bill or otherwise.

*Mr Bridges* obtained leave to introduce a bill to be entitled an act, amendatory to the laws now in force, concerning divorce; which was read a first time, and *ordered* to a second reading to-morrow.

The house then resolved itself into a committee of the whole house in relation to various resolutions from other states: *Mr Walker* of *M.* in the chair; and after some time spent in the consideration of the same, the committee rose, *Mr Speaker* resumed the chair, and *Mr Chairman* reported progress and leave was asked to sit again; which was granted.

And then the house adjourned until to-morrow morning 10 o'clock.

*Wednesday, December 10, 1828.*

The house met pursuant to adjournment.

*Mr Bibb* of *M.* presented the petition of sundry inhabitants of Morgan county, praying the removal of the seat of justice of said county, from Somerville to the Rose Spring or Mount Taber; which was read and referred to the committee on propositions and grievances to consider and report thereon.

*Mr Fearn* presented the petition of David Moore, guardian of the infant children of John Haywood, Jun. deceased, praying the passage of a law to authorize him to bring into this state, the negroes belonging to said children; which was read and referred to the committee on the judiciary.

*Mr Tarver*, from the committee on accounts to which was referred the several claims of Jesse Beene, *reported* that there is no law authorizing

the payment of said claims by the state, and ask leave to be discharged from the further consideration thereof. Mr Speaker moved to recommit the report to a select committee, with instructions to report a bill making a reasonable allowance to Jesse Beene for recording the opinions of the supreme court, and finding the books for that purpose, which was lost. Yeas 29—nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Banks, Barton, Bibb of L. Brandon, Bridges, Broadnax, Cole, Coopwood, Dale, Duke, Edmondson, Fearn, Lane, Mardis, Mims, Parsons, Perkins, Pickens, Richardson, Robinson, Rogers, Tarver, Townsend of M. Walker of D. Walker of M. Weissinger.

Those who voted in the negative are, messrs Anderson, Barker, Belser, Bibb of M. Bonnell, Brown, Clark, Cawthon, Clough, Colgin, Dupuy, Durrett, Flournoy, Foster, Gage, Harris, Hodges, Lawler, Lea, Lewis of F. Lewis of M. Massey, Metcalf, Mobley, Musgrove, McElderry, Parker, Penn, Salter, Sanders, Smith of L. Sykes, Terry, Townsend of P. Wallis, Wellbourn and Whitfield.

The committee then asked leave to be discharged from the further consideration thereof: which was granted.

Mr Harris, from the committee on propositions and grievances to which was recommitted the petition of Henry Linton, *reported* a bill to be entitled an act for the relief of Henry Linton; which was read a first time and *ordered* to a second reading to-morrow.

Mr Pickens from the committee on enrolled bills, *reported* that they had examined and found correctly enrolled, bills of the following titles, to wit: an act for the relief of Henry Garrard, tax collector of Lauderdale county; an act explaining the true intent and meaning of two acts therein mentioned; and an act for the relief of John Balksom, which originated in the Senate; an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo; an act to divorce Leecy Lewis from Mordecai Lewis; an act to divorce Hugh McVay from Sophia W. McVay; an act to emancipate a certain slave therein named; an act to divorce Clarissa Wade from George W. Wade, and an act to emancipate a certain slave therein named; which originated in the house of representatives.

Mr Mardis offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the constitutional right of the state of Alabama to lay off into counties that tract of country within the chartered limits of said state, and occupied by the Creek and Cherokee Indians. *And be it further Resolved*, that if in the opinion of said committee, the state of Alabama has the right of jurisdiction over said tract of country, that said committee recommend forthwith to this legislature, the laying off said territory into counties in such manner, and subject to such restrictions and limitations, as to the effect and extent of said jurisdiction in its application upon said Indians, with leave to report by bill or otherwise. Mr Lewis of M. moved that it lie on the table till Monday next; which was carried.

Mr Colgin presented a communication from Corneille Roudet, on the subject of agriculture and manufactures; which was read and referred to the committee on agriculture and manufactures.

Mr Flournoy offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two houses will meet in the representative hall this evening at 3 o'clock, for the purpose of electing, by joint vote, a solicitor of the second judicial circuit of the state of Alabama. Mr Coopwood moved to lay the resolution on the table till Saturday next, which was lost. Mr. Cole moved to amend it by inserting after the word "se-

cond" the words "and fifth," which was carried. Mr Coopwood then moved that the resolution lie on the table until Monday next, which was carried.

Mr Whitfield obtained leave to introduce a bill to be entitled an act to amend the several laws in relation to the assessment and collection of taxes, and the payment of the same into the state and county treasuries; which was read a first time, and ordered to be read a second time on tomorrow.

On motion of Mr Barton, the house then resolved itself into a committee of the whole on the message of his excellency the governor on the subject of resolutions from other states on various subjects: Mr Walker in the chair; and after some time spent in the consideration of the same, the committee rose; Mr Speaker resumed the chair, and Mr Chairman reported the following resolutions.

*Resolved*, That so much of the message of his excellency, and the documents accompanying the same, as relates to changing the mode of electing President and Vice-President of the United States, be referred to a select committee.

*Resolved*, That so much of the message of his excellency, and the documents accompanying the same, as relates to the powers of the Federal Government, and the colonization of free people of color, and the power of the Congress of the United States to appropriate money for that purpose, be referred to the committee on the judiciary.

*Resolved*, That so much of his excellency's message as relates to the interference of sister States with the domestic policy of the Southern States, as to slavery, be referred to a select committee. Mr Fearn moved that the resolutions lie on the table; which was carried.

On motion of Mr Fearn, *Resolved*. That a standing committee be appointed, to be called "*The Committee upon the State of the Republic*;" whereupon Messrs Lewis of M. Parsons, Barton, Fearn, Bibb of L. Terry, Pickens and Mardis were appointed said committee.

Mr Fearn called up the resolutions as reported by the committee of the whole House, and moved that the House disagree to the reference of said resolutions; which was carried: They were then referred to the committee on the state of the republic.

On motion of Mr Bridges, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of attaching so much territory to the county of Wilcox from the counties of Monroe and Dallas, as will make Wilcox constitutional, east of the Alabama river; and also of attaching the western part of Wilcox to the county of Marengo; and report by bill or otherwise.

On motion of Mr Barton, *Resolved*, That the committee on the state of the republic be instructed to inquire into the expediency of memorializing Congress to cede to the State of Alabama, in full sovereignty, but for the purpose of internal improvement, the two per cent. fund arising from the sales of the public lands within the limits of this State; and if said committee shall deem that inexpedient, that then they inquire into the expediency of memorializing Congress to divest the General Assemblies of the adjoining States, in proper proportions, the whole amount of said fund, so as to accomplish the objects contemplated by the original compact between the State of Alabama and the United States.

Mr Lewis of M. moved that the committee be discharged from the further consideration of so much of the Governor's message as relates to the tariff; which was carried. It was then referred to the committee on the state of the republic.

Mr Lewis of M. moved that the committee be discharged from the further consideration of the resolution in relation to the Cherokee Indians ; which was carried. It was then referred to the committee on the state of the republic.

On motion of Mr Pickens, *Resolved*, That the committee on county boundaries be instructed to inquire into the propriety of forming a county out of that part of Dallas county on the southeast side of the Alabama river, and such portion of the lower part of Montgomery county, as will form a constitutional county.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate concur in the first amendment made by your honorable body to their amendment to the bill entitled an act to authorize clerks of the circuit courts to take bonds of sheriffs and coroners in certain cases. They recede from their amendment to the bill by adding thereto the sixth section, and concur in the several amendments made by the House to their amendment by adding the seventh section to the bill.

On motion of Mr Gage, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of forming a county on the west side of the Black Warrior river, in such manner as will best promote the interest of the people; and also the expediency of forming a county on the east side, by making the Cahawba and Warrior rivers the boundary lines.

On motion of Mr Musgrove, *Resolved*, That the committee on the military inquire into the expediency of making it the duty of the quartermaster general, by order of his excellency the Governor, to order in all the public arms now distributed to any volunteer corps in this State; and that for the future no arms shall be taken from the State arsenal, only in case of emergency, insurrection or invasion; with leave to report by bill or otherwise. Mr Lea moved that the further consideration of said resolution be indefinitely postponed; which was lost. It was then adopted.

The House then proceeded to the orders of the day.

Engrossed bill from the Senate entitled an act for the relief of Henry S. Foote, was read a second time and ordered to a third reading to-morrow.

A bill to be entitled an act to reduce into one the several acts in relation to the manner of electing electors for President and Vice-President of the United States, and for other purposes, was read a second time.

A bill to be entitled an act to amend an act entitled an act directing in what manner and in what courts suits may be brought against the State of Alabama, approved January 6, 1827, was, on motion of Mr Tarver, laid on the table.

Mr Mardis moved that the House do now adjourn until to-morrow morning, nine o'clock; which was lost. Yeas 34—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Brandon, Broadnax, Cawthon, Clough, Cook, Dale, Dupuy, Durrett, Foster, Lane, Lawler, Lewis of M. Mardis, Massey, Mims, Parker, Penn, Perkins, Rogers, Salter, Saunders, Smith of J. Tarver, Townsend of M. Walker of D.—34

Those who voted in the negative are, messrs Bibb of L. Bibb of M. Bonnell, Bridges, Brown, Clark, Cole, Colgin, Copwood, Duke, Edmondson, Fearn, Flournoy, Gage, George, Harris, Hill, Hodges, Lea, Lewis of F. Metcalfe, Mobley, Musgrove, McElderry, Parsons, Pickens, Richardson, Robinson, Smith of L. Sykes, Terry, Townsend of P. Wellis, Weissinger, Welbourne and Whitfield—36.

Mr Perkins moved that the House do now adjourn until to-morrow morning 10 o'clock, which was lost. Yeas 34—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Batts, Brandon, Broadnax, Cawthon, Church, Cook, Dile, Fearr, Foster, Gage, Harris, Lane, Lawler, Lewis of M. Mardis, Huns, Huxley, McElherry, Penny, Perkins, Pickens, Robinson, Rodgers, Sanders, Smith of J. Farver, Townsend of M. Walker of D. Walker of M. and Whitfield.

Those who voted in the negative are, messrs Adams, Barker, B. Isler, Bibb of L. Bond of M. Bonnell, Bridges, Brown, Clarke, Cole, C. Cain, Coopwood, Duke, Dupuy, Durant, Edmundson, Flournoy, George, Hill, Hodges, Lee, Lewis of F. Massey, Metcalfe, Musgrave, Parsons, Richardson, Salter, Smith of L. Sykes, Terry, Townsend of P. Wallis, Wessinger and Wellborne.

The House then adjourned until half past nine o'clock to-morrow morning.

*Thursday, December 11, 1828.*

The House met pursuant to adjournment.

Mr Mardis presented the record and proceedings of the circuit court of Shelby county exercising chancery jurisdiction in the case of John Lindsey vs. Abbey Lindsey for divorce; which was read and *referred* to the committee on divorce and alimony.

Mr Mardis presented the petition of sundry inhabitants of Shelby county praying the passage of a law to authorize the courts of revenue and roads to levy an extra tax on the state tax, not exceeding twenty five per cent, for finishing the public buildings of said county; which was read and *referred* to a select committee to consider and report thereon: whereupon messrs Mardis, Lawler and Hill were appointed said committee.

Mr Mardis presented the petition of sundry inhabitants of Shelby county praying the passage of a law to mark out and lay off a road leading from the town of Columbia in Shelby county, the nearest and best route through the Creek Nation, to the Falls of the Chatahoocby; which was read and *referred* to the committee on roads, bridges and ferries.

Mr Lewis of F. presented the petition of sundry inhabitants of Franklin county, praying that Elijah Smith, tax collector of said county, be remunerated for the loss of a sum of money therein named; which was read and *referred* to a select committee consisting of messrs Lewis of F. Hudson and Wallis.

Mr Walker of M. presented the account of John F. Mills, sheriff of Madison county; which was read and *referred* to the committee on accounts.

Mr Speaker laid before the House the record and proceedings of the circuit court of Lawrence county, exercising chancery jurisdiction, in the case of Margaret Trimble, who sues by her next friend, &c. against Robert C. Trimble for divorce; which was read and *referred* to the committee on divorce and alimony.

Mr Coopwood presented the petition of George W. Stoneroad, praying the passage of a law to emancipate certain slaves therein named; which was read and *referred* to a select committee, consisting of messrs Coopwood, Wallis and Hodges.

Mr Harris presented the account of Green D. Caller, clerk of the circuit court of Washington county; which was read and *referred* to the committee on accounts.

Mr Harris presented the account of Martin Wells; which was read and *referred* to the committee on propositions and grievances.

Mr Perkins from the committee on county boundaries to which was *referred* the petition of the citizens of the upper part of Shelby county, praying to be attached to the county of Jefferson, reported, that it is not

now expedient to attach the upper part of Shelby county to Jefferson as prayed for by the petition. Mr Brown moved that it lie on the table which was carried.

Mr Perkins from the committee on county boundaries to which was referred a resolution instructing them to inquire into the expediency of attaching the eighth Township lying east of the Patsaligah river, to the county of Pike in Ranges 17 and 18, with a petition on the same subject, Reported, that it is inexpedient at this time to annex the said territory to the county of Pike. Mr Clough moved that the report lie on the table until the first Monday in August next; which was lost. Mr Adams then moved that it lie on the table; which was carried.

Mr Barton made the following report: The judiciary committee to which was referred an engrossed bill to be entitled an act to prevent Judges of the circuit courts from charging juries on matters of fact, and the better to secure the right of trial by jury with a proposed amendment thereto, have had the same under consideration, and instructed me to report the same with the following amendments: to amend the title of the bill by inserting the words "and county" between the words "circuit" and "courts" in the 3d line of the 1st section, and in the 1st line of the 2d section, after the words "circuit," insert the words "and county." And also farther to amend the 2d section by striking out the word "such" where it secondly occurs in the 3d line of second section and insert in lieu thereof "so much of his;" also, to strike out the word "so" in said 3d line and insert in lieu thereof the words "as is;" and farther to amend the bill by striking out the 3d section thereof. And the committee have further instructed me to recommend the rejection of the amendment to the bill pending before the House at the time of its reference to this committee.— Ordered, that the House concur in the amendment to the title of the bill. Ordered, that the House concur by inserting the words "and county" in the 3d line of the 1st section and in the first line of the 2d section after the word "circuit." Ordered, that the House concur by striking out of the 2d section the word "such" where it secondly occurs in the third line of the 2d section and by inserting in lieu thereof, "so much of his;" also, by striking out the word "so" in said 3d line and insert in lieu thereof the words "as is." Mr Mardis then moved that the further consideration of the bill be postponed till the 3d Monday in November next; which was carried. Yeas 41—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, Mr Adams, Barton, Bibb of L. Bonnell, Brannon, Brown, Cawthon, Cole, Colgin, Dale, Duke, Dupuy, Edmondson, Fearn, Flournoy, Gage, Harris, Hill, Lane, Lawler, Lewis of F. Lewis of M. Mardis, Metcalf, Mims, McElderry, Parker, Robinson, Salter, Sanders, Smith of J. Smith of L. Sykes, Terry, Townsend of M. Townsend of P. Walker of M. Wallis, Weissinger, Wellbourn and Whitfield.

Those who voted in the negative are, messrs. Speaker, Anderson, Banks, Barker, Belser, Bibb of M. Bridges, Broadnax, Clark, Cook, Coopwood, Durrett, Foster, George, Hodges, Lea, Massey, Mobley, Musgrove, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Tarver and Walker of D.

Mr Barton, from the judiciary committee to which was referred the bill to be entitled an act regulating the duties of justices of the peace and constables of this state, Reported the same as amended by striking out all after the enacting clause, and by inserting in lieu thereof, two sections; and also by amending the title of the bill by striking out the words "regulating the duties," inserting in lieu thereof the words "prohibiting certain persons from exercising the powers." Mr Brandon moved to strike out the word "fifty" in the 1st section, which was carried. The amend-

ments were then concurred in and the bill *ordered* to be engrossed and read a third time to-morrow.

*Mr* Barton made the following report: The judiciary committee to whom was recommitteed the petition of William M. Marr, praying the passage of a law making it the duty of a circuit judge to examine and decide at what time the state derived legal title to sections 23 and 26, in township 21 and range 10, west of the meridian of Huntsville, with a view that the state should refund to the petitioner a certain amount of rent money heretofore collected of him by suit, have had the same under consideration and instructed me to report: That an act of assembly passed January 6, 1827, entitled an act directing in what manner, and in what courts suits may be brought against the state of Alabama, amply provides a remedy for every legal or equitable claim against the state, and that said statute creates a more appropriate tribunal for the adjustment of the claim asserted by the petitioner, than that of the general assembly; and it is further the opinion of the committee, that the circuit judges are, by virtue of the said statutes, invested with ample chancery powers to investigate and ascertain the time when the state became legally entitled to the lands described in the petition, and to take into consideration every equitable feature which the present, or any other case shall present. The committee forbear to express any opinion of the merits of this claim. If it be founded in justice and equity, it cannot be doubted that the appropriate tribunal will measure out that justice and equity without stint, denial or delay; they deem the chancery the most fit tribunal to determine if that justice and equity exist; and the committee, from the best reflection they have been able to give to the subject, deem it inadvisable and inexpedient to pass any special law on the subject, and have instructed me to say that the prayer of the petitioner ought not to be granted. In which report the house concurred.

*Mr* Barton, from the judiciary committee to which was referred a resolution directing an inquiry to be made into the expediency of repealing an act passed the 12th January, 1827, entitled an act to require additional services to be performed by the judge of the first judicial circuit; and also to inquire into the expediency of repealing so much of the law as requires the several judges of the circuit courts to alternate, reported that it is inexpedient to legislate on that subject. The same committee *reported* a bill to be entitled an act to repeal in part and amend a certain act requiring the judges of the circuit courts to alternate, which was read a first time and *ordered* to a second reading on to-morrow.

*Mr* Barton, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of compelling the different judges of the county courts of this state, and the commissioners of roads and revenue, to attend their respective county courts prescribed by law, under a certain penalty, *Reported* that it is not expedient to legislate on that subject at this time; in which the house concurred.

A message was received from the Senate by *Mr* Lyon; *Mr* Speaker, I am instructed to inform the House of Representatives, that the Senate have read three several times and passed bills to be entitled an act to extend the limits of Clarke county; and an act to enable the state of Alabama to sell and dispose of certain lands therein named; in which they desire the concurrence of your Hon body.

Engrossed bill from the Senate entitled an act to extend the limits of Clarke county, was read a first time. *Mr* Parsons moved that it lie on the table which was lost. It was then *ordered* to a second reading on to-morrow.

Engrossed bill from the Senate entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, was read a first time and *ordered* to be read a second time to-morrow.

Mr Harris from the committee on propositions and grievances to which was referred the petition of Jack Walton, asking permission to emancipate his wife Suck, *Reported* a bill to be entitled an act to emancipate a certain slave therein named; which was read a first time and *ordered* to a second reading to-morrow.

Mr Harris from the committee on propositions and grievances to which was referred the petition of William A. Lewis, praying remuneration for having furnished a guard to secure certain prisoners in the jail of St. Clair county, *Reported* that the claim of the petitioner is a county and not a state charge; that in its investigation they see no reason why it should be exempted from the general law, and therefore beg leave to be discharged from the further consideration of the subject, which was granted:

Mr Pickens, from the committee on enrolled bills, *reported* that they have examined and found correctly enrolled, a bill originating in this House entitled an act to authorize clerks of the circuit courts to take bonds of sheriffs, assessors, tax collectors and coroners in certain cases.

Mr Penn called up the report of the committee on roads, bridges and ferries, on the petition of John W. Hewlett. Mr Penn moved that the committee be discharged from the further consideration thereof; which was carried. It was then referred to a select committee, consisting of messrs Penn, Brandon and Walker of M. to consider and report thereon.

The House then proceeded to the orders of the day.

Engrossed bill from the Senate entitled an act for the relief of Henry S. Foote, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

And then the House adjourned until to-morrow morning, 10 o'clock.

*Friday, December 12, 1828.*

The House met pursuant to adjournment.

Mr Hill presented the petition of sundry inhabitants of Bibb county, praying the passage of a law to remove the seat of justice of said county; which was read and referred to the committee on county boundaries.

Mr Penn presented the petition of Dial Peavy, praying the passage of a law to compensate him for losses sustained in consequence of Flint river, in Madison county, being declared a public highway; which was read, together with the accompanying documents, and referred to the committee on propositions and grievances.

Mr Clark presented the petition of sundry inhabitants of Bibb county, praying an alteration in a road route therein named; which was read and referred to the same select committee to which was heretofore referred a petition on a similar subject.

Mr Walker of M. from the committee on the State Bank, to which was *referred* the resolution requiring them to inquire into the expediency and necessity of establishing a branch of the State Bank in the northern part of this State, *Reported*, That it is inexpedient at this time to establish such a branch bank. They are, however, of opinion, that it is expedient and proper to organize and establish an office of discount and deposite at — in the county of —, and report a bill to be entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama at — in the Tennessee Valley; which was read a first time. Mr Saunders moved that the bill lie on the table until Tues-



day next, and that one hundred copies thereof be printed for the use of this House; which was carried.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed bills which originated in the House of Representatives entitled an act for the relief of sheriffs; an act to annex a part of the county of Dale to the county of Pike; an act for the relief of Andrew O. Horn, tax collector of Lawrence county; an act to change the names of certain persons therein named, and legitimate the same; an act to alter or change the name of a certain person therein named; and an act to authorize the judge of the county court and commissioners of revenue and roads of the county of Perry to make a certain appropriation therein named.— They have also passed a bill which originated in the House, entitled an act to prevent extortion by public officers and for other purposes; in which they desire your concurrence.

Engrossed bill from the Senate entitled an act to prevent extortion by public officers, and for other purposes, was read a first time and *ordered* to be read a second time to-morrow.

Mr Harris, from the committee on propositions and grievances to which was *referred* the petition of the purchasers of a certain sixteenth section in township and range eleven, in Lauderdale county *Reported* a bill to be entitled an act for the relief of purchasers of the 16th section in township 1, range 11, in Lauderdale county; which was read a first time and *ordered* to be read a second time to-morrow.

Mr Walker, from the committee on enrolled bills, *Reported*: That they have examined and found correctly enrolled bills originating in this House of the following titles, to wit: an act regulating the compensation of jurors in Pickens county; an act to authorize Celia Burgess, a free woman of color, to emancipate her daughter, Fanny; an act to divorce Elizabeth S. Littlepage from Thomas W. Littlepage; an act to legitimate and change the name of Nancy Steel to that of Nancy Curl; an act to amend an act entitled an act to amend the act incorporating the town of Huntsville, passed the 9th day of January, 1828.

Mr Perkins, from the committee on county boundaries, to which was *referred* a resolution instructing them to inquire into the expediency of attaching parts of the road which is the line between the counties of Monroe and Conecuh, to each of said counties, more effectually to punish crimes and keep the said road in repair; ask leave to be discharged from the further consideration thereof and recommend that the subject of the resolution be *referred* to a select committee, consisting of some of the representation of said counties; which was granted. It was then *referred* to a select committee, consisting of messrs Cook, Clough, Siler, Parsons and Dale.

Mr Perkins, from the committee on county boundaries, to which was *referred* a resolution instructing them to inquire into the expediency of so reorganizing this State, as to lay off the same into more compact and convenient counties, by adopting either range or township lines, or natural boundaries, or both, or either, as circumstances may require, *Reported*, That it is inexpedient to make such reorganization. Mr Bridges then moved that the report lie on the table; which was carried.

Mr Perkins from the committee on county boundaries, to which was referred a resolution instructing them to inquire into the expediency of forming a county on the West side of the black Warrior, in such manner as will best promote the interest of the people; and also of forming a county on the east side by making the rivers Cahawba and Warrior the

boundary lines, *Reported*, that it is inexpedient to make such formation of counties. Mr Gage moved that the report lie on the table; which was carried.

Mr Bibb of L. offered the following as one of the additional rules of this house: the hour of meeting of the House of Representatives in the morning shall hereafter be 10 o'clock; and the house shall not adjourn before 3 o'clock P. M. unless the *orders* of the day shall have been disposed of, or unless two thirds of all the members present shall desire an adjournment. Mr Perkins moved that the rule proposed lie on the table till to-morrow, which was lost. Mr Weissinger proposed to strike out the word 10 and insert 9. Mr Marais proposed to strike out 3 and insert 2; which was accepted of by Mr Bibb. Mr Walker of M. moved that the rule proposed, lie on the table until to-morrow, which was carried.

On motion of *mr* Penn. *Resolved*, that the committee on the military be instructed to inquire into the expediency of increasing the number of company musters, or of abolishing them entirely; and also to inquire what other and further regulations are necessary to compel the proper annual returns to be made of the strength of the militia of this state, and that they report by bill or otherwise.

On motion of *mr* Flournoy, *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of amending the act, passed the 13th of January, 1826. entitled "an act better to secure the revenue arising from licenses granted to tavern keepers and others" so as to require the clerks of the county courts to file in their office a duplicate of the statement furnished the assessors and collectors under said act, and to pay over to the assessors and collectors, all monies collected on permits not liable to be refunded to the persons who have obtained said permits; and also to provide, that the assessors and collectors shall collect of any former clerk *not in office* and his securities such sums of money, for which he may be responsible, according to the statement made under said act by the clerk in office, and also so as to provide that the comptroller of public accounts may correct any errors apparent from a comparison of different official documents of equal validity and properly authenticated of record in his office.

Mr Bridges offered the following resolution: *Resolved* that a select committee of five members be appointed from the northern part of this state, and that they be instructed to inquire into the expediency of so arranging the county boundaries in the southern part of this state as to make rivers and large water courses county boundaries, and that they report by bill or otherwise. Mr Parsons moved that it lie on the table; which was carried.

Mr Durrett obtained leave to introduce a bill to be entitled an act making an appropriation in part for the payment of the members of the general assembly; which was read a first time, and the rule requiring bills to be read on three several days, being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was then *ordered* to be engrossed and read a third time to day.

Mr Massey obtained leave to introduce a bill to be entitled an act to authorize the judge and commissioners of St Clair county to levy a tax therein specified, which was read a first time, and ordered to a second reading to-morrow.

Mr Dupuy obtained leave to introduce a bill to be entitled an act to repeal in part, and to amend an act entitled an act to authorize John Smith

of Jefferson county to emancipate a certain slave therein mentioned, which was read a first time and *ordered* to a second reading to-morrow.

The house then proceeded to the *orders* of the day.

A bill to be entitled an act to prevent the citizens of this state from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside being under consideration. Mr George moved that the further consideration of the bill be postponed till the first Monday in August next, which was lost Yeas 26, nays 41.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Barton, Bibb, of L. Brandon, Bridges, Cawthon, Edmondson, Fearn, George, Lane, Lawler, Mardis, Massey, Mobley, McElderry, Parsons, Penn, Perkins, Richardson, Rogers, Sanders, Smith of J. Townsend of M. Walker of M. and Whitfield—26.

Those who voted in the negative are, messrs. Adams, Ambrister, Anderson, Barker, Belser, Bibb of M. Bonnell, Broadnax, Brown, Clark, Cole, Colgin, Cook, Dale, Duke, Dupuy, Durrett, Flournoy, Foster, Gage, Harris, Hill, Hodges, Lea, Lewis of L. Lewis of M. Metcalf, Mims, Musgrove, Parker, Pickens, Satter, Smith of L. Sykes, Tarver, Terry, Townsend of P. Walker of D. Wallis, Weissinger, and Welbourne—41.

Mr Clark moved to amend the bill by striking out all after the enacting clause with a view to insert the following: "That from and after the first day of March next it shall not be lawful for any citizen of this state to be sued in any civil suit before any Justice of the peace out of the beat, or some adjoining beat to that in which the defendant or defendants may reside, unless it be in the beat where the debt may have been contracted." A division of the question being called for, the vote was first taken on striking out, which was carried. Yeas 42—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Barton, Bibb of L. Brandon, Bridges, Brown, Clark, Cawthon, Colgin, Cook, Durrett, Edmondson, Fearn, Flournoy, Gage, George, Hill, Hodges, Lane, Lawler, Lewis of m. Mardis, Massey, Mobbley, McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Rodgers, Satter, Sanders, Smith of J. Smith of L. Tarver, Townsend of m. Walker of D. Walker of m. Wallis and Whitfield.

Those who voted in the negative are, messrs Adams, Ambrister, Anderson, Barker, Belser, Bibb of m. Bonnell, Broadnax, Cole, Coopwood, Dale, Duke, Dupuy, Foster, Harris, Lea, Lewis of F. Metcalf, Mims, Musgrove, Parker, Sykes, Terry, Townsend of Pike, Wessinger and Welborne.

The bill with the proposed amendment was then laid on the table until Wednesday next.

Engrossed bill entitled an act making an appropriation in part pay for the payment of the members of the General Assembly, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled an act to amend an act to provide for keeping in repair a certain road therein mentioned; was read a second time and *ordered* to be engrossed for a 3d reading on to-morrow.

A bill to be entitled an act to regulate the proceedings in the courts of law in this state, was read a second time. *mr* Flournoy moved to amend the bill by striking out the words 'Attorney General, and Solicitors,' with a view to insert "foreman of the grand jury," which was lost. *mr* Parsons moved to amend the bill by adding thereto an additional section, which was carried. *mr* Barton moved to amend the 1st section of the bill with the following; "and any oath when so administered shall subject the party taking the same, to the same penalties for swearing falsely which now attach to persons taking the same oaths in open court." which was carried. *mr* Walker of D. then moved that the bill lie on the table till to-morrow, which was carried.

Engrossed bill from the Senate entitled an act to authorize the liberation of certain slaves, was read a second time. *Mr* Barton moved to amend the bill by inserting after the word "bond" the words "with good and sufficient security;" which was carried. *Mr* Wallis then moved to amend the bill by way of the following proviso: "provided said slaves leave this state within six months after the passage of this act, and never return to reside therein," which was lost. The bill was then ordered to be read a 3d time on to-morrow.

*Ordered* that *Mr* Clark have leave of absence until Tuesday morning next.

And then the House adjourned till to-morrow morning at 10 o'clock.

*Saturday, December 13, 1828.*

The House met pursuant to adjournment.

*Mr* Bridges presented the memorial of David White, praying that the General Assembly would memorialize the Congress of the United States asking a donation of land; which was and *referred* to a select committee consisting of messrs Parsons, Dale and Robinson.

*Mr* Sanders presented the petition of sundry citizens of the town of Cottonport, praying an act of incorporation; which was read and referred to a select committee, consisting of messrs Sanders, Edmondson and Linn of L. to consider and report thereon.

*Mr* Tarver from the committee on accounts, to which was referred the account of Sterling B. Harrison jailer, of Dallas county, *Reported*, that the account is not properly authenticated, and ask leave to be discharged from the further consideration thereof. *Mr* Walker of D. moved that the documents be recommitted to the same committee with instructions to report the allowance as charged in said account; which was carried.

*Mr* Tarver from the committee on accounts to which was referred the account of Green D. Caller, *Reported*, that the account is not chargeable upon the state, and ask leave to be discharged from the further consideration thereof. *Mr* Harris moved that the report lie on the table; which was carried.

*Mr* Colgin from the committee on roads, bridges and ferries, to which was referred a bill to authorize the appointment of supervisors of roads, reported the same without amendment. *Mr* Lawler moved that the bill lie on the table; which was carried.

A message from the Senate, by *Mr* Crabb: *Mr* Speaker. I am instructed to inform the House of Representatives, that the Senate have read three several times and passed a bill which originated with the House of Representatives, to be entitled an act making an appropriation in part for the payment of the members of the General Assembly.

*Mr* Colgin from the committee on roads, bridges and ferries to which was referred a resolution instructing them to inquire into the necessity of providing by law some manner of appointing overseers of roads, when the person regularly appointed may die or remove, *reported* that the present law is sufficient; which was read and concurred in by the House.

*Mr* Colgin from the committee on roads, bridges and ferries to which was referred the engrossed bill from the Senate entitled an act to alter and change a certain part of the road leading from Florence in Lauderdale county to Athens in Limestone county, reported the bill without amendment. *Mr* Coopwood moved that the bill lie on the table till the first day of January next; which was carried.

*Mr* Lawler, from the special committee, to which was referred a resolution instructing them to draft a suitable memorial to the Congress,

of the United States, asking a donation of relinquished lands, lying in the middle and southern sections of this State, for the purpose of improving the navigation of the Coosa and other rivers, and of constructing a canal between the waters of the Coosa and Tennessee rivers, *Reported* a joint memorial to Congress on the subject of selling or donating to the State of Alabama the relinquished lands in said State, for the purpose of internal improvements; which was read a first time and *referred* to the committee on the state of the republic.

Mr Lewis of F. from the special committee, to which was *referred* the petition of sundry inhabitants of Franklin county, in behalf of Elijah Smith, tax collector of said county, *Reported* a bill to be entitled an act for the relief of Elijah Smith, tax collector of Franklin county; which was read a first time and *ordered* to be read a second time on Monday next.

On motion of *mr* Lawler, *Resolved*, That the committee on the state of the republic be instructed to inquire into the practicability and expediency of opening a water communication between the Tennessee and Coosa rivers, by constructing a canal between Will's creek and Look Out creek. *And be it further resolved*, That said committee inquire into the practicability of constructing a canal so as to connect the waters of the Tennessee river with the river Cunnasauga, and which canal would be most practicable and profitable; with leave to report by bill or otherwise.

The House then proceeded to the orders of the day.

Engrossed bill from the Senate entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, was, on motion of *mr* Bibb of L. then taken up. It was then read a second time.—Mr Mardis then moved that the bill be referred to a committee of the whole House, and be made the order of the day for Monday next; which was carried. Mr Brandon then moved that one hundred copies of the bill be printed for the use of this House; which was carried.

Engrossed bill from the Senate entitled an act to authorize Zachariah Holly to emancipate certain slaves therein named, was read a second time and ordered to a third reading on Monday next.

Engrossed bill entitled an act to divorce Matilda S. Chunn from Lancelott Chunn, was read a third time, and the question being put, Shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 59—Nays 1.

Those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Braks, Barker, Burton, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Broadnax, Brown, Cawthon, Cole, Cook, Chapwood, Dale, Duke, Dupuy, Durett, Edmondson, Fearn, Flournoy, Foster, George, Harris, Hill, Hodges, Lane, Lea, Lewis of F. Lewis of M. Mardis, Massey, Metcalf, Mims, Mobley, Musgrove, M. Elderry, Parker, Parsons, Penn, Pickens, Richardson, Rogers, Salter, Saunders, Smith of J. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis, Weissinger, Welbourne and Whitfield.

Mr Smith of Land. voted in the negative.

Engrossed bill from the Senate entitled an act to amend an act passed at the last session of the General Assembly, authorizing a lottery in Henry county, and for other purposes, was read a third time. Mr Cook moved to amend the bill by adding thereto two additional sections, numbered 4 and 5, by way of engraving; which was carried. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to legitimate and change the name of Preston Newberry to Preston Moore, and for other purposes, was read a

third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein contained, was, on motion of Mr Weissinger, laid on the table until Tuesday next.

Engrossed bill to be entitled an act to reduce into one the several acts giving fees to justices of the peace and constables was read a third time. Mr Lea moved to amend the bill by way of the following engrossed rider, by adding thereto two additional sections: *And be it further enacted*, That, hereafter, it shall be lawful for justices of the peace, in place of taking formal stay and appeal bonds, to certify that the principal and security acknowledge themselves indebted to the plaintiffs in double the amount of the judgment, specifying the date, when rendered, and the amount of costs, and the amount of judgment; and that such acknowledgement of liability in principal and security shall be as good and valid in law as bonds entered into and made in the most formal manner. *And be it further enacted*, That hereafter, all bail bonds and delivery bonds, taken by constables, shall be taken payable to the plaintiff in the action, and returned with the other papers in the suit, and proceeded on for forfeiture as now provided by law. A division of the question being called for, the vote was first taken on the adoption of the first amendment proposed by Mr Lea by section, and lost. The question was then on the adoption of Mr Lea's second amendment, and carried. Mr Flourney moved to recommit the bill to the judiciary committee, with instructions to inquire what are the fees of the clerks and attorneys at law in the county, circuit and supreme courts; and into the propriety of reducing the same, or of comprehending them together with the fees and perquisites of the judges of the county courts, in one general act, by incorporating them into this bill: which was lost. Mr Terry moved to amend the title of the bill by adding thereto the words "and for other purposes;" which was carried. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr Walker of D. who voted in the majority moved to reconsider the vote given on the adoption of Mr Parson's amendment to the bill entitled an act to regulate the proceedings in the courts of law in this state; which was carried. Mr Parsons then asked leave to withdraw the amendment; which was granted. Mr Walker then moved to amend the bill by adding thereto an additional section No. 2; which was carried. Mr Walker moved to amend the first section of the bill by inserting after the word circuit in the 5th line the words "or atorney appointed by the court to prosecute for the state;" which was carried. It was then *ordered* to be engrossed for a third reading on Monday next.

Engrossed bill to be entitled an act to repeal a certain act therein named, was read a third time. Mr Barton moved that the bill be recommitted to the judiciary committee; which was carried.

And then the House ajourned until Monday morning, 10 o'clock.

*Monday, December 15, 1828.*

The House met pursuant to adjournment.

Mr Brown presented the petition of sundry inhabitants of Walker county, praying the passage of a law to locate the seat of justice of said county; which, together with a petition heretofore presented on the same subject, were *referred* to the committee on county boundaries.

Mr Bibb of L. presented the petition of Benjamin Rush Wallace praying the passage of a law to authorize him as guardian of Hannah Stone;

to bring into this state the negroes of said Hannah Stone ; which was read and referred to the judiciary committee, to consider and report th recon.

*Mr Walker* of D. from the committee on enrolled bills, reported as correctly enrolled bills, originating in the Senate, of the following titles, to wit: an act relating to penal statutes ; an act to authorize L. Tyus of Autauga county to emancipate certain slaves therein named ; also bills originating in the House of the titles following to wit: an act to change the names of certain persons therein named, and to legitimate the same ; an act to alter or change the name of a certain person therein named ; an act to locate the seat of justice in Henry county and for other purposes ; an act to authorize the judge of the county court and commissioners of revenue and roads of the county of Perry to make a certain appropriation therein named ; and an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, approved, December 22, 1826, so far as said act relates to the county of Shelby.

*Mr Townsend* of m. from the select committee to which was referred the petition of sundry citizens of Mobile, praying the passage of a law to incorporate the Mobile rial way and insurance company, reported a bill to be entitled an act to incorporate the Mobile marine raid way and insurance company ; which was read a first time and ordered to be read a second time to-morrow.

*Mr Gage* from the select committee to which was referred the petition of sundry citizens of Bibb county, praying a change in a certain road therein named, reported that it is inexpedient to legislate on that subject. *Mr Hill* moved that the report lie on the table ; which was carried.

*Mr Walker* of D. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill originating in this House, to be entitled an act making an appropriation in part for the payment of the members of the General Assembly.

On motion of *mr Smith* of L. *Resolved*, That the committee on the the state of the republic be instructed to prepare a suitable memorial to Congress, requesting a donation to this state of lands which have been relinquished, in the northern part of this state, to remove obstructions in the Coosa river and to open a canal so as to connect the waters of the Tennessee with the Coosa at the most practicable and advantageous points ; and request the Congress to surrender to this state all lands which have been offered for sale within five years and have not been sold, so that the state may cause such lands to yield taxes ; and to give to this state the relinquished lands in north Alabama, not before given as a fund for internal improvement.

*Mr Sykes* offered the following resolution: *Resolved*, by the House of Representatives, that with the concurrence of the Senate, the General Assembly will on Tuesday next, at 3 o'clock, p. m. proceed to the election of a Judge of the third and Solicitors of the second and fifth judicial circuits. *Mr Lewis* of m. moved to strike out the words " a judge of the third and ;" which was carried. *Mr Broadnax* moved to lay the resolution on the table ; which was lost. *Mr Belser* moved to strike out the words " and five ;" which was lost. The resolution was then adopted.

On motion of *mr Eridges*, *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of providing by law for persons to be recognized to keep the peace or for their good behavior for injuries threatened or done to property as well as their person.

On motion of *mr Cook*, *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of altering the stray

laws, so that the person straying may if he chooses take the property according to the existing law, or suffer the same to be sold in such manner as may be prescribed; and also as to the propriety of repealing so much of the said laws as prohibits the straying of cattle in certain months of the year.

On motion of *Mr Adams*, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of allowing compensation to judges of the county courts in this state for taking and approving bonds of the various county officers, whose bonds it is made their duty to examine and approve.

*Mr Townsend* of M. obtained leave to introduce a bill to be entitled an act to provide for revising and digesting the laws of this state; which was read a first time and *ordered* to a second reading to-morrow.

The house then resolved itself into a committee of the whole house on the bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands the cin named: *Mr Terry* in the chair, and after some time spent in the consideration of the same, the committee rose, and *Mr Chairman* reported progress, and leave was asked to sit again, which was granted.

And then the house adjourned until to-morrow morning 10 o'clock.

*Tuesday, December 16. 1848.*

The house met pursuant to adjournment.

*Mr Ambister* presented the petition of sundry inhabitants of Jackson county, praying to exempt certain property therein named from taxation, which was read and referred to the committee on propositions and grievances, to consider and report thereon. *Mr Clark* presented the petition of sundry inhabitants of Bibb county, praying that Hill's settlement be attached to said county; which was read and referred to the committee on county boundaries to consider and report thereon.

*Mr Flournoy* presented the petition of Simon Rowden, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to the committee on propositions and grievances to consider and report thereon.

*Mr Dale* from the select committee to which was *referred* the petition of David White, *Reported* a joint memorial to congress in favour of Col. David White, which was read a first time and laid on the table. A message from the Senate by *Mr Crabb*: *Mr Speaker*, the Senate have passed a bill which originated in their house, entitled an act concerning costs in the supreme court, in which they desire your concurrence.

Engrossed bill from the Senate entitled an act concerning costs in the supreme court, was read a first time and *ordered* to a second reading to-morrow.

*Mr Coopwood* from the select committee to which was referred a resolution of this house, instructing them to report a memorial to the congress of the United States, asking relief for the purchasers of public lands, *Reported* a memorial of the Senate and House of Representatives of the state of Alabama in relation to the purchasers of public lands; which was read a first time and *ordered* to a second reading to-morrow.

*Mr Pickens* made the following report: The committee on enrolled bills have examined and find correctly enrolled bills which originated in this house of the titles following, to wit: an act for the relief of sheriffs; an act to annex a part of the county of Dale to the county of Pike.

A message from the Senate by *Mr Lyon*: *Mr Speaker*, the Senate concur in the resolution of your Hon. body relating to the election of solicitor



tors of the 2nd and 5th judicial circuits, and have amended the same by striking out the words "*on this day at the hour of 3 o'clock P. M.*" and also by adding thereto the words "*and judge of the third judicial circuit;*" so as to elect the judge at the same time. In which amendments they respectfully ask your concurrence. A division of the question being called for, on concurrence with the first amendment and carried. The question was then on concurrence with the second amendment and carried.

The house then proceeded to the *orders* of the day.

The house again resolved itself into a committee of the whole house on the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: *Mr Terry* in the chair, and after some time spent in the consideration of the same, the committee rose, *mr Speaker* resumed the chair, and *mr Chairman* reported progress and leave was asked to sit again, which was granted.

On motion of *mr Bibb* of L. *Resolved*, that *J. F. Adams* be admitted to a seat within the bar of this House, for the purpose of taking minutes of its proceedings.

And then the house adjourned until to-morrow morning 10 o'clock.

*Wednesday, December 17, 1828.*

The house met pursuant to adjournment.

*Mr Lane* presented the petition of sundry citizens of the city of Mobile, praying an alteration in the road laws, which was read and laid on the table.

*Mr Mobley* obtained leave to introduce a bill to be entitled an act to legalize registering certain deeds or conveyances of lands in this state; which was read a first time and *ordered* to be read a second time on to-morrow.

*Mr Penn* presented the petition of sundry citizens of the town of Triana, praying an alteration of the law incorporating said town; which was read and referred to a select committee, consisting of messrs *Penn, Fearn* and *Walker* of M.

A message was received from the Governor, by *James I. Thornton*, which is as follows:

*Secretary of State's Office, December 17, 1828.*

*Mr Speaker*, I am instructed by the Governor: to inform your Hon. body that he did on the 15th inst. approve and sign the following bills: an act making an appropriation in part for the payment of the members of the General Assembly; and, an act to authorize clerks of the circuit courts to take bonds of sheriffs, assessors, tax collectors, and coroners in certain cases, both of which originated in the House of Representatives.

*Mr Bridges* called up the memorial to the congress of the United States in favour of *Col. David White*. It was then placed amongst the *orders* of the day.

The house then proceeded to the *orders* of the day.

The House again resolved itself into a committee of the whole House on the engrossed bill from the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, *Mr Terry* in the chair; and, after some time spent in the consideration of the same, the committee rose, *Mr Speaker* resumed the the chair, and *Mr Chairman* reported progress, and leave was asked to sit again; which was granted.

And then the House adjourned until to-morrow morning 10 o'clock.

*Thursday, December 18, 1828.*

The House met pursuant to adjournment.

*Mr Speaker* laid before the House the record and proceedings of the

circuit court of Madison county, exercising chancery jurisdiction, in the case of John Layman against Rebecca Layman for divorce; which was read and referred to the committee on divorce and alimony.

Mr Speaker laid before the House the record and proceedings of the circuit court of Montgomery county, exercising chancery jurisdiction, in the case of Benjamin D. Hassell against Mary Hassell for divorce; which was read and referred to the committee on divorce and alimony.

Mr Coopwood presented the petition of the representatives and associates of John Byler, deceased, praying the removal of the toll gate on Byler's turnpike road; which was read and referred to a select committee, consisting of messrs Coopwood, Parker and Banks, to consider and report thereon.

Mr Lane presented the account of James P. Bates, late sheriff of Mobile county; which was read and referred to the committee on accounts.

Mr Parker presented the account of Caswell C. Thompson, sheriff of Fayette county; which was read and referred to the committee on accounts.

Mr Bridges presented the petition of Sterling H. Gee, guardian of the children of Nevil Gee, deceased, praying the passage of a law to authorize him to bring into this State the negroes of said children; which was read and referred to a select committee, consisting of messrs Bridges, Robinson and Cook.

Mr Parker obtained leave to introduce a bill to be entitled an act to authorize the sheriff of Fayette county to execute precepts from justices of the peace; which was read a first time and ordered to be read a second time to-morrow.

Mr Clark obtained leave to introduce a bill to be entitled an act for the relief of Susanna Casey; which was read a first time and ordered to be read a second time to-morrow.

Mr Bridges obtained leave to introduce a bill to be entitled an act to repeal the 3d section of an act entitled an act to fix the salary of the president of the Bank of the State of Alabama, and for other purposes; which was read a first time and ordered to be read a second time to-morrow.

Mr Adams obtained leave to introduce a bill to be entitled an act to attach all of township 8, and ranges 17 and 18, in the county of Pike, and for other purposes; which was read a first time. Mr Clough moved to lay the bill on the table; which was lost. It was then ordered to be read a second time to-morrow.

Mr Hodges offered the following resolution: *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of exempting, by law, from execution all mechanic's tools, also, all practising physicians' books and medicine; with leave to report by bill or otherwise. Mr Clark offered the following amendment: "And the books of all lawyers and divines." Mr Walker of D. offered the following amendment: "And that each family be allowed to retain, exempt from execution, six chairs and one loom." Mr Clark moved to amend Mr Walker's amendment by adding thereto the words "and two pots and half a dozen benches." Mr Fearn moved that the resolution lie on the table; which was carried.

A message from the Senate by Mr Lyon: Mr Speaker, Pursuant to a rule adopted the present session for the government of the proceedings of the two Houses, I beg leave to inform your honorable body that bills, which originated in the House of Representatives, entitled an act to authorize Claiborne Williams and associates to turnpike a road therein

named; and an act to establish the permanent seat of justice of Autauga county, and to provide for erecting the public buildings, have been rejected in the Senate.

The House again resolved itself into a committee of the whole House on the engrossed bill from the Senate entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named: Mr Terry in the chair; and after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again; which was granted.

Mr Lewis obtained leave to introduce a bill to be entitled an act to change the times of holding the county courts of Franklin county; which was read a first time and ordered to be read a second time on to-morrow.

And then the House adjourned until to-morrow morning, 10 o'clock.

*Friday, December 19, 1828.*

The House met pursuant to adjournment.

Mr Ambrister presented the petition of sundry inhabitants of Jackson county, praying the passage of a law to authorize William Owens to establish a turnpike road, beginning on the Cumberland mountain at the State line, where colonel Caperton's turnpike terminates, to extend to the foot of said mountain in the direction to the town of Bellfonte; which was read and referred to a select committee, consisting of messrs Ambrister, Welbourne and Smith of J.

Mr Colgin presented the petition of sundry inhabitants of Greene county, praying that Stith Evans have an allowance made him for apprehending a felon; which was read and referred to the committee on propositions and grievances.

*Ordered*, that *mr* Richardson have leave of absence until to-morrow evening.

Mr Cook made the following *report*: The select committee to which was referred a bill to be entitled an act to appoint a commissioner for the county of Pike, to select and dispose of a quarter section of land for a seat of justice and other county purposes, have had said bill under consideration, and have instructed me to report the same with sundry amendments herewith shewn. Strike out all after the word "Pike" in the caption: strike out all of the bill after the word "appointed," where it occurs in the first section, and insert the following: "a commissioner for the county aforesaid, to fill the vacancy occasioned by the resignation of Alexander Jackson, with all the powers allowed to any one of said commissioners;" which were concurred in by the house. It was then *ordered* to be engrossed for a third reading on to-morrow.

Mr Perkins called up the resolution in relation to the county boundaries of Bibb county. Mr Clark moved to strike out the words "and whether the line recently run between the counties of Tuscaloosa and Bibb be in conformity with the previously existing law, which was lost. The resolution was then adopted. The house again resolved itself into a committee of the whole, on *mr* Coopwood's motion, on the engrossed bill from the Senate entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: Mr Terry in the chair; and after some time spent in the consideration of the same, the committee rose, *mr* Speaker resumed the chair, and *mr* Chairman reported progress, and leave was asked to sit again; which was granted.

Mr Clark called up the engrossed bill from the Senate, entitled an act to change the mode of printing and distributing the acts and journals of the general assembly and for other purposes. Mr Coopwood moved that

the bill be referred to a committee of the whole house on Monday next; which was lost. It was then, on *mr Fearn's* motion, laid on the table until Monday next.

A bill to be entitled an act to amend an act entitled an act to regulate the rate of interest was, on motion of *mr Weissinger*, laid on the table.

And then the house adjourned until to-morrow morning 10 o'clock.

*Saturday, December 20, 1828.*

The house met pursuant to adjournment.

*Mr Pickens* presented the petition of sundry inhabitant, living on the east side of the Alabama river, praying to lay off a county on the eastern side of the Alabama river, by taking all the territory on the eastern side of the Alabama river, in the county of Dallas, and as much from the county of Montgomery and Wilcox as will make a constitutional county; which was read and referred to the committee on county boundaries.

*Mr Rogers* presented the petition of sundry inhabitants of Walker county, praying to be attached to Blount county; which was read and referred to the committee on county boundaries.

*Mr Walker of D.* made the following report: The committee on enrolled bills have examined and found correctl enrolled a bill, originating in this House, entitled an act for the relief of Andrew O. Horn, tax collector of Lawrence county. They have also examined and find correctly enrolled a bill, originating in the Senate, entitled an act for the relief of Henry S. Foote

*Mr Coopwood*, from the select committee to which was *referred* the petition of George W. Stoneroad, praying the emancipation of certain slaves therein named, reported a bill to be entitled an act to authorize George W. Stoneroad to emancipate certain slaves therein mentioned; which was read the first time and ordered to a second reading on Monday next.

*Mr Walker of D.* from the select committee to which was *referred* the petition of William May and Jonathan Reynolds, reported a bill to be entitled an act for the relief of William May and Jonathan Reynolds; which was read a first time and ordered to a second reading on Monday next.

*Mr Salter* obtained leave to introduce a bill to be entitled an act for the better observation and keeping of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; which was read a first time and ordered to a second reading on Monday next.

*Mr Parker* offered the following resolution: *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of appointing commissioners, and also appropriating a fund, to remove certain obstructions in the Tombeckbe and Black Warrior rivers, with a view to the improvement of the navigation of said rivers, with leave to report by bill or otherwise. *Mr Duke* offered the following amendment: after the word "Warrior" insert the word "Buttehacy." *Mr Clark* moved to amend the amendment by adding the words "Cahawba and Coosa." *Mr Anderson* moved to amend *mr Duke's* amendment by adding the words "Chichasaw Bogue creek." *Mr Parsons* moved that it lie on the table; which was carried.

The House then proceeded to the orders of the day.

The engrossed bill from the senate entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named was, on *mr Parson's* motion, postponed until Monday next.

A message was received from the Governor, by James I. Thornton; which is as follows :

EXECUTIVE DEPARTMENT, TUSCALOOSA, DECEMBER 18, 1828.

*The Hon the Speaker and Members of the House of Representatives*

Gentlemen—I have the honor to announce to you that I have this day received the resignation of Bolling Hall, Esq. a member of the board of Trustees of the University of Alabama, elected for the 2nd Judicial Circuit. I have the honor to be, most respectfully, your 'tbt servt. (Signed) JOHN MURPHY.

*Ordered,* That said message lie on the table.

A bill to be entitled an act to provide more effectually against extortion by sheriffs, coroners, constables, clerks and justices and for other purposes, being under consideration; the question was put on the adoption of *mr* Clark's amendment to the 4th section of the bill, and lost. *Mr* Coopwood offered the following amendment to the fourth section: strike out the words 'one and two' and insert 'two hundred and not exceeding one thousand.' A division of the question being called for the vote was first taken on striking out 'one thousand,' and carried. *Mr* Bibb of L. moved to amend the 4th section, at the end thereof, by way of the following proviso: *Provided*, such bond shall not be rendered void upon the first recovery, but may be recovered upon as often as a breach of the condition of said bond may happen; which was carried. *Mr* Flournoy moved to fill the blank in the 4th section, by inserting the words 'five hundred;' which was lost. *Mr* Coopwood moved to fill the blank with 'two hundred;' which was carried. *Mr* Wallis offered the following amendment at the end of the 4th section: "and all counsellors and attorneys at law shall give bond as aforesaid in the sum of two thousand dollars, in the county in which he may reside, provided that they have resided twelve months therein" It was then laid on the table till Monday next.

The engrossed bill from the Senate entitled an act for the relief of Joseph Bates, taxcollector of Mobile county, was read a second time and laid on the table, on *mr* Clark's motion.

The engrossed bill from the Senate entitled an act to amend an act entitled an act to authorize the sales of sixteenth sections and for other purposes, being under consideration: *Mr* Bridges moved to amend it by adding thereto an additional section, No 4; which was carried. *Mr* Pickens moved to amend it by adding thereto an additional section, No 5; which was carried. *Mr* Parsons, who voted in the majority on the adoption of *Mr* Pickens amendment, moved to reconsider the vote; which was lost. It was then ordered to a third reading on Monday next.

A bill to be entitled an act to authorize the draining of certain ponds in the county of Madison, was read a second time and ordered to be engrossed and read a third time on Monday next.

A bill to be entitled an act to repeal an act entitled an act to increase the capital of the Bank of the state of Alabama, approved Jan. 12, 1828, was read a 2d time, and, on motion of *mr* Walker of D. referred to the committee on the state bank.

A bill to be entitled an act amendatory to the laws now in force concerning divorce, was read a second time and referred to the judiciary committee.

A bill to be entitled an act concerning the selection and sale of certain relinquished lands granted by the United States to the state of Alabama, to improve the navigation of the Tennessee and other rivers of the state aforesaid, was, on motion of *mr* Coopwood, laid on the table. *Mr* Barton then moved that the committee of the whole House be discharged from the further consideration of the same; which was carried.

A bill to be entitled an act for the relief of Henry Linton, was read a second time and *ordered* to be engrossed for a third reading on Monday next.

A bill to be entitled an act to amend the several laws in relation to the assessment and collection of taxes and the payment of the same in the state and county treasuries, was read a second time and *referred* to the committee on ways and means.

And then the House adjourned till 3 o'clock this evening.

*Evening Session, 3 o'clock*—The House met pursuant to adjournment.

On motion of *mr* Smith of J. *Resolved*, that the Senate be invited to assemble in the hall of the House of Representatives for the purpose of going into the election of a judge of the 3d judicial circuit, and a solicitor of the 2d and 5th circuits; and that the east end of the hall be appropriated for their reception. *Ordered*, That the clerk acquaint the Senate therewith.

Mr Coopwood called up the resolution proposing amendments to the constitution of the state of Alabama. It was then placed among the orders of the day.

Mr Weissinger offered the following resolution: *Resolved*, That the comptroller of public accounts be requested to report to the House of Representatives all the facts in relation to the account of Joseph Bates, tax collector for the county of Mobile, with all facts and circumstances which will throw light upon his claims for relief.

The Senate having repaired to the hall of the House of Representatives both Houses then proceeded to the election of a Judge of the third judicial circuit. Eli Shortridge, John D. Bibb, Henry W. Collier, and Thomas Owen, being in nomination.

For messrs Shortridge 28 votes—Bibb 26—Collier 21—Owen 15.

Those who voted for *mr* Shortridge are, messrs Crawford, Hubbard, Irwin, Moore of J. Pickett, Skinner, Smith, of the senate; *mr* Adams, Ambister, Anderson, Belsor, Bridges, Brown, Clark, Cawthon, Clough, Coopwood, Dupuy, Flournoy, Hill, Mims, Parker, Robison, Satter, Smith of J. Townsend of P. Walker of D. and Wellborne.

Those who voted for *mr* Bibb are, messrs President, Abercrombie, Conner, Garth McVay, Ross of the senate; *mr* Barker, Bibb of L. Bibb of M. Bonnell, Broadnax, Dale, Edmondson, Foster, Lane, Lea, Lewis of F. Massey, Metcalfe, Mobley, McElderry, Sanders, Smith of L. Sykes, Terry, Wallis.

Those who voted for *mr* Collier are, messrs Perry, Vining, Watkins Wood of senate; *Mr* Speaker, Banks, Colgin, Cook, Durlett, Fearn, Harris, Lawler, Lewis of M. Mardis, Muirgrove, Parsons, Penn, Perkins, Rogers, Tarver, Townsend of M.

Those who voted for *mr* Owen are, messrs Evans, Merriwether, Moore of M. Powell, Walthall, of the senate; *mr* Barton, Brandon, Cole, Duke, Gage, Hodges, Pickens, Walker of M. Weissinger and Whitfield.

No one of the candidates having received a majority of votes given, both houses proceeded again to the election of a Judge of the 3d judicial circuit: the same gentlemen being in nomination. For *mr* Shortridge 29 votes—Bibb 26—Collier 21—Owen 15.

Those who voted for *mr* Shortridge are, messrs Crawford Hubbard Irwin Moore of J. Pickett Skinner Smith of the senate; *mr* Adams Ambrister Anderson Belsor Bridges Brown Clark Cawthon Clough Coopwood Dupuy Flournoy George Hill Mims Parker Robison Satter Smith of J. Townsend of P. Walker of D. and Wellborne.

Those who voted for *mr* Bibb are, messrs President Abercrombie Conner Garth McVay, Ross of the senate; *mr* Barker Bibb of L. Bibb of M. Bonnell Broadnax Dale Edmondson Foster Lane Lea Lewis of F. Massey Metcalfe Mobley McElderry Sanders Smith of L. Sykes Terry and Wallis.

Those who voted for *mr* Collier are, messrs Perry Vining Watkins and Wood of the senate; *mr* Speaker Banks Colgin Cook Durlett Fearn Harris Lawler Lewis of M. Mardis Muirgrove Parsons Penn Perkins Rogers Tarver and Townsend of M.

Those who voted for *mr* Owen are, messrs Evans Merriwether Moore of M. Powell and Walthall of the senate; *mr* Barton Brandon Cole Duke Gage Hodges Pickens Walker of M. Weissinger and Whitfield.

No one of the candidates having received a majority of votes, both houses proceeded

again to the election of a Judge of the third judicial circuit: the same gentlemen being in nomination. For mr Shortridge 30 votes—Bibb 26—Collier 22—Owen 13.

Those who voted for mr Shortridge are, messrs Crawford Hubbard Irwin Moore of J. Pickett Skinner and Smith of the senate; mr Adams Ambrister Anderson Belser Bridges Brown Clark Cawthon Clough Coopwood Duke Dupuy Flournoy George Hill Mims Parker Robinson Salter Smith of J. Townsend of P. Walker of D. Wellborne.

Those who voted for mr Bibb are, messrs President Abercrombie Conner Garth McVay and Ross of the senate; mr Barker Bibb of L. Bibb of M. Bonnell Broadnax Dale Edmondson Foster Lane Lea Lewis of F. Massey Metcalfe Mobley McElderry Sanders Smith of L. Sykes Terry and Wallis.

Those who voted for mr Collier are, messrs Perry Vining Watkins and Wood of the senate; mr Speaker Banks Colgin Cook Durrett Fearn Gage Harris Lawler Lewis of M. Mardis Musgrove Parsons Penn Perkins Rogers Tarver Townsend of M.

Those who voted for mr Owen are, messrs Evans Merriwether Moore of m. Powell and Walshall of the senate; mr Barton Brandon Cole Hodges Pickens Walker of m. Weissinger and Whitfield.

No one of the candidates having received a majority of votes, both houses proceeded again to the election of a Judge of the third judicial circuit: the same candidates being again in nomination, except Thomas Owen who was withdrawn. For mr Shortridge 32 votes—Bibb 27—Collier 31.

Those who voted for mr Shortridge are, messrs Crawford, Evans, Hubbard, Irwin Moore of J. Pickett Skinner Smith, of the senate; mr Adams Ambrister, Anderson Belser Bridges, Brown, Clark, Cawthon, Cole, Coopwood Duke, Dupuy, Flournoy, George Hill, Mims, Parker, Pickens, Robinson, Salter, Smith of J. Townsend of P. Walker of D. and Wellborne.

Those who voted for mr Bibb are, messrs President, Abercrombie Conner, Garth McVay, Ross, of the senate; mr Barker Bibb of L. Bibb of M. Bonnell, Broadnax, Dale Edmondson, Foster, Hodges, Lane, Lea, Lewis of F. Massey, Metcalfe, Mobley, McElderry, Sanders, Smith of L. Sykes, Terry and Wallis.

Those who voted for mr Collier are, messrs Merriwether, Moore of M. Perry, Powell Vining Walshall, Watkins and Wood of the senate; mr Speaker, Banks Barton, Brandon Colgin Cook; Dupuy, Durrett, Fearn, Gage, Harris, Lawler, Lewis of m. Mardis Musgrove Parsons Penn, Perkins, Rogers, Tarver, Townsend of m. Walker of m. Weissinger and Whitfield.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Judge of the third judicial circuit: the same persons being in nomination as before. For mr Shortridge 31 votes—Bibb 26—Collier 33.

Those who voted for mr Shortridge are, messrs Crawford, Evans Hubbard, Irwin Moore of J. Pickett, Skinner and Smith of the senate; mr Adams Ambrister, Anderson Bridges, Belser, Brown Clark, Cawthon Cole Coopwood Duke, Flournoy, George, Hill, Mims, Parker, Pickens Robinson, Salter, Smith of J. Townsend of P. Walker of D. Wellborne.

Those who voted for mr Bibb are, mr President, Abercrombie, Conner, Garth McVay and Ross of the senate; mr Barker, Bibb of L. Bibb of m. Bonnell Broadnax, Dale Edmondson, Foster, Hodges Lane, Lea, Lewis of F. Massey, Metcalfe Mobley, McElderry, Sanders, Sykes, Terry and Wallis.

Those who voted for mr Collier are, mr Merriwether, Moore of m. Perry, Powell Vining Walshall, Watkins and Wood of the senate; mr Speaker, Banks Barton, Brandon Colgin Cook; Dupuy, Durrett, Fearn, Gage, Harris, Lawler, Lewis of m. Mardis Musgrove, Parsons, Penn, Perkins, Rogers, Smith of L. Tarver, Townsend of m. Walker of m. Weissinger and Whitfield.

No one of the persons in nomination having received a majority of votes both houses proceeded to vote the sixth time for a judge of the 3d judicial circuit. The votes stood thus: For mr Shortridge 29—mr Bibb 27—mr Collier 34.

Those who voted for mr Shortridge are, messrs Crawford Evans Hubbard Irwin Moore of J. Pickett Skinner Smith of the senate; mr Adams Ambrister Anderson Belser Bridges Clark Cawthon Cole Duke Flournoy George Hill Mims Parker Pickens Robinson Salter Smith of J. Townsend of P. Walker of D. and Wellborne.

Those who voted for mr Bibb are, mr President Abercrombie Conner Garth McVay Ross, senate, mr Barker Bibb of L. Bibb of m. Bonnell Broadnax Coopwood Dale Edmondson Foster Hodges Lane Lea Lewis of F. Massey Metcalfe Mobley McElderry Sanders Sykes Terry and Wallis.

Those who voted for mr Collier are, messrs Merriwether Moore of M. Perry Powell Vining Walshall Watkins and Wood of the senate; mr Speaker Banks Barton Brandon Brown Colgin Cook Dupuy Durrett Fearn Gage Harris Lawler Lewis of m. Mardis Musgrove Parsons Penn Perkins Rogers Smith of L. Tarver Townsend of m. Walker of M. Weissinger and Whitfield.

No one of the persons in nomination having received a majority of votes both houses proceeded to vote the seventh time for a judge of the 3d circuit. The votes stood thus: For Mr Shortridge 23—Mr Bibb 28—Mr Collier 34.

Those who voted for Mr Shortridge are, messrs Crawford Evans Hubbard Irwin Moore of J. Pickett Skinner Smith of the senate; Adams Ambrister Anderson Bridges Clark Cawthon Cole Cook Flournoy George H H Mims Parker Pickens Robison Sater Smith of J. Townsend of P. Walker of D. and W. Whorner.

Those who voted for Mr Bibb are, Mr President Abercrombie Conner Garth M. Vay Ross of the senate. Barker Belser Bibb of L. Bibb of m. Bonnell Broadnax Coopwood Dale Edmondson Foster Hodges Lane Lea Lewis of F. Massey Metcalfe Mobley McElderry Sanders Sykes Terry and Wallis.

Those who voted for Mr Collier are, messrs Merriwether Moore of m. Perry Powell Vining Walthall Watkins Wood, senat. President Banks Barton Brandon Brown Colgin Cook Durrutt Durrett Fearn Gage Harris Lawler Lewis of m. Maris Musgrove Parsons Penn Perkins Rogers Smith of L. Taiver Townsend of m. Walker of m. Weissinger and Whitfield.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Judge of the third judicial circuit: John D. Bibb and Henry W. Collier being in nomination. For Mr Bibb 41 votes—Collier 48.

Those who voted for Mr Bibb are, Messrs President, Abercrombie, Conner, Crawford Garth, Hubbard, Irwin, McVay, Pickett, Ross and Skinner of the senate; Mr Adams Anderson, Barker, Belser, Bibb of L. Bibb of m. Bonnell, Broadnax, Cawthon, Coopwood, Dale, Edmondson, Foster, George, Hodges, Lane, Lea, Lewis of F. Massey, Metcalfe, Mobley, McElderry, Sater, Sanders, Smith of J. Smith of L. Sykes, Terry Townsend of P. and Wallis.

Those who voted for Mr Collier are, Messrs Evans, Merriwether, Moore of J. Moore of m. Perry Powell, Smith, Vining, Walthall, Watkins and Wood of the senate; Mr Speaker, Ambrister, Banks, Barton, Brandon, Brown, Clark, Cole, Colgin, Cook, Duke Dupuy, Durrutt, Fearn, Flournoy, Gage, Harris, Hill, Lawler, Lewis of m. Maris, Mims, Musgrove, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Terry, Townsend of m. Walker of m. Walker of D. Weissinger, Whithorne and Whitfield.

Henry W. Collier having received a majority of votes, Mr Speaker therefore declared him duly and constitutionally elected Judge of the third judicial circuit in and for the state of Alabama.

The two houses then proceeded to the election of a Solicitor of the 2d judicial circuit, to fill the vacancy occasioned by the resignation of Henry Goldthwaite, esq. John H. Walker, Erasmus Walker, Francis S. Lyon, James B. Clarke, John W. Paul, William D. Pickett and Eli Perry, jr. being in nomination. — For Mr J. H. Walker 9 votes—E. Walker 14—Lyon 21—Clarke 10—Paul 6—Pickett 14—Terry 14.

Those who voted for J. H. Walker are, Messrs Abercrombie of the senate; Mr Bonnell, Cawthon, Lewis of M. Parker, Smith of L. Townsend of P. Weissinger, Whithorne.

Those who voted for E. Walker are, Messrs Moore of J. of the senate; Mr Ambrister Barker, Cole, Coopwood, Dale, Gage, Hodges, Massey, Metcalfe, Pickens, Sater Smith of J. and Wallis.

Those who voted for Mr Lyon are, Messrs President, Conner, Irwin, Merriwether Powell, Ross, Walthall, Watkins and Wood of the senate; Mr Speaker, Anderson, Barton, Fearn, Flournoy, Foster, Harris, Mobley, Parsons, Perkins, Townsend of M. and Whitfield.

Those who voted for Mr Clarke are, Mr Crawford of the senate; messrs Brown, Colgin, Dupuy, Hill, Lawler, Maris, Musgrove, McElderry and Rogers.

Those who voted for Mr Paul are, m. Perry of the senate; Mr Cook, Lane, Lea Penn and Taiver.

Those who voted for Mr Pickett are, messrs Garth Hubbard, Moore of M. Pickett Skinner, Smith and Vining of the senate; Mr Adams, Belser, Brandon, Duke, Lewis of F. Mims and Walker of M.

Those who voted for Mr Terry are, m. Evans, McVay, Banks, Bibb of L. Bibb of M. Bridges, Broadnax, Durrutt, Edmondson, George, Robison, Sanders, Sykes, Terry.

No one of the candidates having received a majority of votes both houses proceeded again to the election of a Solicitor of the 2d judicial circuit. The same gentlemen being in nomination. — For Mr J. H. Walker 9 votes—E. Walker 15—Lyon 22—Clarke 8—Paul 6—Pickett 13—Terry 16.

Those who voted for J. H. Walker are, Mr Abercrombie of the senate; Mr Bonnell, Cawthon, Lewis of m. Parker, Smith of L. Townsend of P. Weissinger and Whithorne.

Those who voted for E. Walker are Mr Moore of J. of the senate; m. Ambrister, Barker, Clough, Cole, Coopwood, Dale, Gage, Hodges, Massey, Metcalfe, Pickens, Sater, Smith of J. and Wallis.



Those who voted for mr Lyon are, mr President, Conner, Irwin, Merriwether, Powell Ross, Smith, Walthall, Watkins, Wood of the senate; Mr Speaker, Anderson, Barton Fearn, Flounoy, Foster, Harris, Mobley, Parsons, Perkins Townsend of m. and Whitfield.

Those who voted for mr Clarke are, mr Crawford of the senate; mr Colgin, Hill, Lawler, Mardis, Musgrove, McElderry and Rogers.

Those who voted for mr Paul are, mr Perry of the senate; mr Cook, Lane, Lea, Penna and Tarver.

Those who voted for mr Pickett are, messrs Garth Hubbard Moore of *M* Pickett Skinner and Vining of the senate; mr Adams, Belser, Brandon, Broadnax, Duke, Lewis of F. Mims and Walker of m.

Those who voted for mr Terry are, messrs Evans and McVay of the senate; messrs Banks, Bibb of L. Bibb of *M* Bridges, Brown, Broadnax, Dupuy, Durrett, Edmondson, George, Robison, Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit: The same persons being in nomination, except mr Clarke and Paul, who were withdrawn. — For J. H. Walker 14 votes—E. Walker 21—Lyon 14—Pickett 13—Terry 18.

Those who voted for J. H. Walker are, messrs Abercrombie, Perry and Wood of the senate; mr Bonnell, Cawthon, Cook, Lea, Lewis of m. Parker, Smith of L. Tarver Townsend of P. Weissinger and Wellborne.

Those who voted for E. Walker are, messrs Crawford and Moore of J. of the senate; Mr Ambrister, Barker, Clarke, Clough, Cole, Coopwood, Dale, Gage, Hill, Hodges, Mardis, Massey, Metcalfe, Musgrove, Pickens, Rogers, Salter, Smith of J. and Wallis.

Those who voted for mr Lyon are, mr President, Conner, Irwin, Merriwether, Powell Ross, Smith, Walthall, Watkins of the senate; mr Speaker, Anderson, Barton, Colgin, Fearn, Flounoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins, Townsend of m.

Those who voted for mr Pickett are, messrs Garth, Hubbard, Moore of m. Pickett Skinner and Vining of the senate; mr Adams, Belser, Brandon, Lewis of F. Mims and Walker of M.

Those who voted for mr Terry are, messrs Evans and McVay of the senate; mr Banks, Bibb of L. Bibb of M. Bridges, Broadnax, Brown, Dupuy, Durrett, Edmondson, George, Lawler, McElderry, Robison, Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. The same persons being in nomination—For J. H. Walker 14 votes—E. Walker 22—Lyon 24—Pickett 13—Terry 18.

Those who voted for J. H. Walker are, messrs Abercrombie, Perry and Wood of the senate; mr Bonnell, Cawthon, Cook, Lea, Lewis of m. Parker, Smith of L. Tarver Townsend of P. Weissinger and Wellborne.

Those who voted for E. Walker are, messrs Crawford and Moore of J. of the senate; Mr Ambrister, Barker, Clarke, Clough, Cole, Coopwood, Dale, Gage, Hill, Hodges, Mardis, Massey, Metcalfe, Musgrove, Pickens, Rogers, Salter, Smith of J. and Wallis.

Those who voted for mr Lyon are, mr President, Conner, Irwin, Merriwether, Powell Ross, Smith, Walthall and Watkins of the senate; mr Speaker, Anderson, Barton, Colgin, Fearn, Flounoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins and Townsend of m.

Those who voted for mr Pickett are, messrs Garth, Hubbard, Moore of m. Pickett Skinner and Vining of the senate; mr Adams, Belser, Brandon, Lewis of F. Mims and Walker of m.

Those who voted for mr Terry are, messrs Evans and McVay of the senate; mr Banks, Bibb of L. Bibb of M. Bridges, Broadnax, Brown, Dupuy, Durrett, Edmondson, George, Lawler, McElderry, Robison, Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. John H. Walker, Erasmus Walker, Francis S. Lyon and Eli Terry, jr. being in nomination. — For J. H. Walker 21—E. Walker 27—Lyon 25—Terry 21.

Those who voted for J. H. WALKER are, mr Abercrombie, Garth, Perry, Vining, Wood of the senate; mr Adams, Bonnell, Cawthon, Cook, Lea, Lewis of m. Parker, Smith of L. Tarver, Townsend of P. Weissinger and Wellborne.

Those who voted for E. WALKER are, messrs Crawford and Moore of J. of the senate; mr Ambrister, Barker, Belser, Brandon, Clark, Clough, Cole, Coopwood, Dale, Duke, Gage, Hill, Hodges, Lewis of F. Mardis, Massey, Metcalfe, Mims, musgrove, Pickens, Rogers, Salter, Smith of J. and Walker of m. and wallis.

Those who voted for mr LYON are, mr President, Conner, Irwin, Merriwether, Moore of m. Powell, Smith, walthall, watkins and Ross of the senate; mr Speaker, Anderson, Barton, Colgin, Fearn, Flounoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins, Townsend, of m. and whitfield.

Those who voted for mr TERRY are, mr Evans, Hubbard, McVay, Pickett, Skinner of the senate; mr Banks, Bibb of L. Bibb of m. Broadnax, Bridges, Brown, Dupuy, Durrett, Edmondson, George, Lawler, McElderry, Robinson Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. The same persons being in nomination. — For J. H. WALKER 16 votes—E. WALKER 31—F. S. LYON 23—TERRY 20.

Those who voted for J. H. WALKER are, mr Abercrombie, Vining, Watkins and Wood of the senate; mr Bonnell, Cawthon, Colgin, Cook, Lea, Lewis of m. Parker, Smith of L. Tarver, Townsend of P. Weissinger and Wellborne.

Those who voted for E. WALKER are, messrs Crawford, Garth, Hubbard, Moore of J. and Perry of the senate; mr Adams, Ambrister, Barker, Belser, Brandon, Clark, Clough, Cole, Cook, Wood, Dale, Duke, Gage, Hill, Hodges, Lewis of F. Mardis, Massey, Metcalfe, Mims, Musgrove, Pickens, Rogers, Salter, Smith of J. Walker of m. and Wallis.

Those who voted for mr LYON are, mr President, Conner, Irwin, Merriwether, Moore of m. Powell, Ross, Smith and Walthall of the senate; mr Speaker, Anderson, Barton, Fearn, Flournoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins, Townsend of m. and Whitfield.

Those who voted for mr TERRY are, messrs Evans, McVay, Pickett and Skinner of the senate; mr Banks, Bibb of L. Bibb of m. Bridges, Broadnax, Brown, Dupuy, Durrett, Edmondson, George, Lawler, McElderry, Robinson, Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. The same persons being in nomination. For mr J. H. WALKER 16 votes—E. WALKER 32—LYON 24—TERRY 18.

Those who voted for J. H. WALKER are, messrs Abercrombie, Garth, Perry, Vining, Watkins and Wood of the senate; mr Bonnell, Lea, Lewis of m. Parker, Smith of L. Tarver, Townsend of P. Weissinger and Wellborne.

Those who voted for E. WALKER are, messrs Crawford, Hubbard, Moore of J. Skinner of the senate; mr Adams, Ambrister, Barker, Belser, Brandon, Brown, Clark, Clough, Cole, Cook, Cooper, Dale, Duke, Gage, Hill, Hodges, Lewis of F. Mardis, Massey, Metcalfe, Mims, Musgrove, Pickens, Rogers, Salter, Smith of J. Walker of m. and Wallis.

Those who voted for mr LYON are, mr President, Conner, Irwin, Merriwether, Moore of m. Powell, Ross, Smith and Walthall of the senate; mr Speaker, Anderson, Barton, Colgin, Fearn, Flournoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins, Townsend of m.

Those who voted for mr TERRY are, mr Evans, McVay and Pickett of the senate; mr Banks, Bibb of L. Bibb of m. Bridges, Broadnax, Durrett, Edmondson, Lawler, McElderry, Robinson, Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. The same persons being in nomination. For J. H. WALKER 15 votes—E. WALKER 35—LYON 24—TERRY 16.

Those who voted for J. H. WALKER are, messrs Abercrombie, Perry, Vining, Watkins and Wood of the senate; mr Bonnell, Cawthon, Lea, Lewis of m. Parker, Smith of L. Tarver, Townsend of P. Weissinger and Wellborne.

Those who voted for E. WALKER are, messrs Crawford, Garth, Hubbard, Moore of J. Skinner of the senate; mr Adams, Ambrister, Barker, Belser, Brandon, Brown, Clark, Clough, Cole, Cook, Cooper, Dale, Duke, Dupuy, Gage, George, Hill, Hodges, Lewis of F. Mardis, Massey, Metcalfe, Mims, Musgrove, Pickens, Rogers, Salter, Smith of J. Walker of m. and Wallis.

Those who voted for mr LYON are, messrs President, Conner, Irwin, Merriwether, Moore of m. Powell, Ross, Smith and Walthall of the senate; mr Speaker, Anderson, Barton, Colgin, Fearn, Flournoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins and Townsend of m.

Those who voted for mr TERRY are, messrs Evans, McVay and Pickett of the senate; Mr Banks, Bibb of L. Bibb of m. Bridges, Broadnax, Durrett, Edmondson, Lawler, McElderry, Robinson, Sanders, Sykes and Terry.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. The same persons being in nomination. For J. H. WALKER 12 votes—E. WALKER 35—LYON 24—TERRY 18.

Those who voted for J. H. WALKER are, mr Abercrombie, Perry and Watkins of the senate; mr Bonnell, Cawthon, Lea, Lewis of m. Parker, Smith of L. Townsend of P. Weissinger and Wellborne.

Those who voted for E. WALKER are, mr Crawford, Hubbard, Merriwether, Moore of

**J. Skinner and Vining of the senate; mr. Adams, Ambrister, Barker, Belser, Brandon Brown, Clark, Clough, Cole, Cook, Coopwood, Dale, Duke, Gage, George, Hill Hodges, Lewis of P. Mardis, Massey, Metcalfe, Mims, Musgrove, Pickens, Rogers Salter, Smith of J. Walker of m. and Wallis.**

Those who voted for **mr LYON** are, **mr President. Conner, Irwin, McVay, Moore of m. Powell, Ross, Smith and Walthall of the senate; mr Speaker Anderson, Barton, Colgin, Fearn, Flournoy, Foster, Harris, Lane, Mobley, Parsons, Penn, Perkins, Townsend of m. and Whitfield.**

Those who voted for **mr TERRY** are, **messrs Evans, Pickett and Wood of the senate; Mr Banks, Bibb of L. Bibb of m. Bridges, Broadnax, Dupuy, Durrett, Edmondson, Lawler, McElderry, Robison, Sanders, Sykes, Tarver and Terry.**

No one of the candidates having received a majority of votes the two houses proceeded again to the election. The sole person being in nomination except **John H. Walker.**

Those who voted for **E. Walker** are, **messrs Crawford, Hubbard, Moore of J. Perry, Skinner, Vining, of the senate; mr Adams, Ambrister, Barker, Belser, Brandon, Clark, Clough, Cole, Cook, Coopwood, Dale, Duke, Gage, George, Hill Hodges, Lawler, Lea, Lewis of P. Mardis, Massey, Metcalfe, Mims, Musgrove, Pickens, Rogers, Salter, Smith of J. Walker of m. Wallis and Wellborne.**

Those who voted for **mr Lyon** are, **mr President, Conner, Irwin, McVay, Merriwether, Moore of m. Powell, Ross, Smith, Walthall, Watkins of the senate; mr Speaker Anderson, Barton, Colgin, Fearn, Flournoy, Foster, Harris, Lane, Mobley, McElderry, Parsons, Penn, Perkins and Townsend of m.**

Those who voted for **mr Terry** are, **messrs Abercrombie, Evans, Pickett, Wood of the senate; mr Banks, Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Brown, Cawthon, Dupuy, Durrett, Edmondson, Lewis of m. Parker, Robison, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of P. Weissinger, Whitfield.**

No one of the candidates having received a majority of votes the two houses proceeded again to the election of a Solicitor of the 2d judicial circuit. **Erasmus Walker and Eli Terry, jr.** being in nomination. For **Mr. Walker 43—Terry 46.**

Those who voted for **mr Walker** are, **messrs Crawford, Hubbard, Irwin, Merriwether, Moore of J. Moore of m. Perry, Skinner, Vining, Walthall of the senate; mr Adams, Ambrister, Anderson, Barker, Belser, Brandon, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Flournoy, Foster, Gage, Hill, Hodges, Lea, Lewis of P. Mardis, Massey, Metcalfe, Mims, Musgrove, Pickens, Rogers, Salter, Smith, of J. Walker of m. Wallis and Wellborne.**

Those who voted for **mr Terry** are, **mr President, Abercrombie, Conner, Evans, McVay, Pickett, Powell, Ross, Smith, Watkins and Wood of the senate; mr Speaker, Banks, Barton, Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Brown, Cawthon, Dupuy, Durrett, Edmondson, Fearn, George, Harris, Lane, Lawler, Lewis, of m. Mobley, McElderry, Parker, Parsons, Penn, Perkins, Robinson, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Weissinger and Whitfield.**

**Eli Terry, jr.** having received a majority of votes, **mr Speaker** therefore declared him duly and constitutionally elected Solicitor of the second judicial circuit of the State of Alabama.

Both houses then proceeded to the election of a Solicitor of the 5th judicial circuit, to fill the vacancy occasioned by the death of **James M. W. White.**—**Charles Lewis, Thomas J. Sumner, James Penn, William H. Campbell and Joseph H. Eastland,** being in nomination—For **mr Lewis 34 votes—Sumner 11—Penn 37—Campbell 1—Eastland 5.**

Those who voted for **mr Lewis** are, **messrs President, Hubbard, Merriwether, Moore of J. Powell, Skinner and Wood of the senate; mr Adams, Ambrister, Anderson, Banks, Bibb of L. Bibb of m. Broadnax, Coopwood, Dale, Duke, Dupuy, Hill, Hodges, Lawler, Lewis of P. Mardis, Metcalfe, Musgrove, Parker, Rogers, Salter, Smith of J. Townsend of P. Walker of D. Wallis, Weissinger, Wellborne.**

Those who voted for **mr Sumner** are, **messrs Crawford, Irwin, McVay, Moore of m. and Pickett of the senate; mr Speaker, Belser, Brandon, Bridges, Pickens and Walker of m.**

Those who voted for **mr Penn** are, **messrs Abercrombie, Perry, Ross, Vining, Walthall, Watkins of the senate; mr Barker, Barton, Bonnell, Brown, Cawthon**

*Cole, Colgin, Cook, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Lane, Lea, Lewis of m. Massey, Mobley, McElderry, Parsons, Perkins, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of m. Whitfield.*

*Mr Clark voted for mr Campbell*

*Those who voted for mr Eastland are, messrs Conner, Evans, Garth and Smith of the senate ; mr Robison.*

*No one of the candidates having received a majority of votes, the two houses proceeded again to the election. Charles Lewis and James Penn being in nomination. For Charles Lewis 45 votes—James Penn 44.*

*Those who voted for mr Lewis are, messrs President, Conner, Evans, Hubbard Irwin, McVay, Merriwether, Moore of J. Moore of m. Powell, Skinner, Smith and Wood of the senate ; mr Adams, Imbrister, Anderson, Banks, Belser, Bibb of L. Bibb of m. Bridges, Broadnax, Clough, Coopwood, Dale, Duke, Dupuy, Hodges Hill, Lawler, Lewis of F. Mardis, Metcalfe, Musgrove, Parker, Pickens, Rogers Salter, Smith of J. Townsend of P. Walker of D. Walker of m. Wallis, Weissinger and Wellborne—45.*

*Those who voted for mr Penn are, messrs Abercrombie, Crawford, Garth, Perry Pickett, Ross, Vining, Walthall and Watkins of the senate ; mr Speaker, Barker Barton, Bonnell, Brandon, Brown, Clark, Carthon, Cole, Colgin, Cook, Durrett Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Lane, Lea, Lewis of m. Massey, Mobley, McElderry, Parsons, Perkins, Robison, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of m. and Whitfield—44*

*Charles Lewis having received a majority of one vote was declared, by mr Speaker, to be duly and constitutionally elected Solicitor of the fifth judicial circuit of the State of Alabama.*

*The Senate withdrew. And then the House adjourned until Monday morning, 10 o'clock.*

*Monday, December 22, 1828.*

*The House met pursuant to adjournment.*

*A message from the Senate, by Mr Lyon : Mr Speaker, The Senate concur in the amendment made by your honorable body to the bill entitled an act to amend an act, passed at the last session of the General Assembly, authorizing a lottery in Henry county and for other purposes. The Senate have passed bills, which originated in their house, entitled an act the better to secure impartial trials by juries in certain cases, and an act to amend an act entitled an act to incorporate the town of Tuscaloosa, &c. approved Jan. 12, 1828 : in which they desire your concurrence. They have also passed a bill, which originated in the House of Representatives, entitled an act to authorize the building of a jail in Morgan county.*

*Engrossed bills from the Senate of the following titles, to wit : an act the better to secure impartial trials by juries in certain cases ; and an act to amend an act entitled an act to incorporate the town of Tuscaloosa, &c. approved Jan. 12, 1828 ; were severally read a first time and ordered to be read a second time on to morrow.*

*Mr Durrett presented the petition of sundry inhabitants of Landerdale county, praying to establish an election precinct at Jacob McGee's and to discontinue the one now established at John H. Cornish's ; which was read and referred to the same committee to which was referred heretofore sundry petitions on the same subject.*

*Mr Mobley presented the petition of sundry inhabitants of Clark county praying the passage of a law to appoint commissioners to view and mark out a road running from the present state road, commencing from a point at or near Greensborough, the nearest and best route by Linden, Coffeeville and Washington courthouse, the ridge road to Mobile ; which was read and referred to the committee on roads, bridges and ferries.*

*Mr Mobley* presented the petition of sundry inhabitants of Mobile county praying the passage of a law to appoint commissioners to view and mark out a road running from the present state road, commencing from a point at or near Greensborough, the nearest and best route by Linden, Coffee ville and Washington courthouse, the ridge road to Mobile; which was read and referred to the committee on roads, bridges and ferries.

*Mr Mobley* presented the petition of sundry inhabitants of Marengo county praying the opening of a road as described in the foregoing petitions; which was read and referred to the committee on roads, bridges and ferries.

*Mr Pickens* presented the petition of sundry inhabitants of Perry county, praying that that part of Dallas on the northwest side of the Alabama river and a part of Perry county be formed into a new county; which was read and referred to the committee on county boundaries.

*Mr Colgin* presented the petition of sundry inhabitants of Greene county, praying to appoint other commissioners to view the state road leading through said county; which was read and referred to the committee on roads, bridges and ferries.

*Mr Barton* made the following report:

The Joint Committee of the two Houses of the General Assembly appointed to examine the returns in the office of the secretary of state exhibiting the vote of the people of this state on the proposed amendment of the constitution, relative to the tenure of the judges, have performed that duty, and respectfully report: That since the reports of the secretary of state, in obedience to the call of the respective houses, returns have been received at that office from the counties of Jefferson, St Clair and Dallas. No returns have yet been received from the counties of Jackson, Marengo, Monroe or Montgomery. The particular state and condition of the votes in the several counties from which returns have been received, will be found exhibited in thirty one abstracts, which have been prepared with much care and labor, and which are herewith submitted, marked document, from 1 to 31 inclusive. These abstracts present the entire statements and certificates of the several returning officers in each county in their own language, which is designated by inverted commas, with the exception of the names of the voters. In most cases where the names of the voters have not been returned, and where the return itself is short, it has been copied entire into the appropriate document. In nearly all of these abstracts will be found the annotations and explanations of the committee, made with a view of presenting to the two Houses in a succinct and perspicuous manner almost as definite an idea of the relative sufficiency of these voluminous returns as if accurate copies of the same accompanied this report. The committee are aware that some of the documents submitted would bear considerable retrenchments without very materially impairing the sense; and indeed the labors of the committee might thus have been greatly abridged, but it was believed to be safer to give the statements of the returning officers in their own words, than incur the responsibility of condensing their meaning into our own, especially on so important a question as that of amending our constitution. Some difference of opinion has existed among the several members of the committee as to the constitutional sufficiency of a large number of the returns, but as they have determined to furnish the Houses with all the materials from which their several opinions have been formed, they forbear to give those opinions on that particular question in this report. This course was deemed the most decorous and respectful to the two Houses, of which they are the organs, under the peculiar circumstances of presenting a full statement of facts. There is, however, one striking peculiarity which some of the returns exhibit which the committee have deemed advisable to notice in their report. Of the 31 counties from which returns have been received, 16, exclusive of the county of Dallas, which has no certificate or signature of any returning officer, contains lists of the names of the voters and 14 also, (also exclusive of the county of Dallas) do not contain lists of the names of the voters. To present to the two Houses a clear and more summary view of this difference, there is given in the abstracts the committee have prepared, a general table which is herewith submitted and marked B. This table exhibits a list of the counties from which returns have been received in alphabetical order; next a statement of the yeas, nays, and silent votes in the several counties where the returns have been accompanied with the names of the voters; next a list of the yeas, nays, and silent votes in those counties in which they have not been so accompanied; and lastly a column shewing the aggregate amount of all the yeas, nays, and silent votes added together in each county. From this table it appears that the total aggregates are thus: in the 16 counties where the names of the voters are returned there are yeas 7,727, nays 3,210, silent 844. In the 14 counties where the votes of the voters have not been re-

turned, including the county of Dallas, there are, yeas 9,106, nays 3,594, silent 1,313. It further appears that in the said 16 counties the aggregate votes, inclusive of yeas, nays, and silent votes returned are, 11,761; and that in the 14 counties including the county of Dallas, the aggregate votes inclusive of yeas, nays, and silent votes, returned are, 14,013 and that the total aggregate votes returned from the thirty one counties inclusive of yeas, nays and silent votes are, 25,774. The committee at the close of their labors, adopted the following resolutions which they have instructed their respective chairman to report to their respective Houses: 1. *Resolved*, by the joint committee of the two houses of the General Assembly; that the General Assembly cannot proceed to the ratification of the proposed amendment of the constitution relative to the tenure of the Judges' office without constitutional evidence, that a majority of all the persons voting for representatives have voted in favour of the amendment. 2. *Resolved*, that it appears from the returns in the Secretary of State's office, that a majority of all the persons voting for representatives did vote for the proposed amendment, but that the names of only 7,727 are returned that voted in favour of the amendment; and that 3,210 that voted against it, with the exception of the county of Dallas, where there were 1,194 in favour of the amendment, and 65 against it; which return has not been certified by the returning officer. That there are 9,106 in favour of the amendment, and 3,594 votes against the amendment, the names of which voters have not been returned, and that there are 2,137 silent votes. All of which is respectfully submitted. (Signed,)

W. E. SMITH, chairman of the committee of the Senate

SETH BARTON, Chairman of the committee of House of Representatives.

Mr Barton offered the following resolution as a substitute for the second resolution: *Resolved*, that the returns in the Secretary of State's office as to the vote of the people on the proposed amendment of the constitution, in relation to the tenure of the judges do not exhibit the fact that a majority of the people voting for representatives have voted in favour of the proposed amendment in the manner prescribed by the constitution, and the act entitled "an act prescribing the mode of ascertaining the sense of the citizens of this state on the proposed amendment to the constitution of this state, limiting the tenure of the judges to seven years, approved January 15, 1828." Mr Walker of D. moved to lay the report and proposed resolution of Mr Barton on the table till Wednesday next; which was carried.

On motion of Mr Broadnax, *Resolved*, that with the concurrence of the Senate, the two houses will assemble in the representative hall this day at the hour of 3 o'clock, P. M. for the purpose of going into the election of a trustee of the university of Alabama, for the second judicial circuit, to fill the vacancy occasioned by the resignation of Bolling Hall, Esq.

The resolution in relation to the tax collector of Mobile county, being under consideration; Mr Walker of D. moved to amend it by adding the words "James P. late tax collector, and also, of Joseph Bates, jr. at present, which was carried. It was then adopted.

Mr Terry called up the engrossed bill, entitled an act for the relief of George A. Campbell, assessor and tax collector for Autauga county. It was then placed amongst the orders of the day.

Mr Belser offered the following: whereas, relief has in several instances been granted to individuals who have heretofore violated the duelling law; and whereas, it is not in accordance with the true interests of the state to have a Legislative enactment on this subject unless it be kept in full force and effect; *Be it therefore Resolved*, that the judiciary committee be instructed to inquire into the expediency of amending or repealing an act entitled an act to suppress the evil practice of duelling, and report to this house by bill or otherwise. Mr Bridges offered the following amendment: "by repealing that part of the duelling law, which imposes a disability in those who violate it." Mr Durrett moved that the resolution, together with the proposed amendment, lie on the table till the 1st day of March next; which was carried. Yeas 40—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs

Anderson, Banks, Barker, Barton, Bibb of L. Bibb of M. Brandon, Brown, Clark, Clough, Cole, Colgin, Cook, Duke, Dupuy, Durrett, Foster, Harris, Hill, Hodges, Lawler, Lea, Mardis, Metcalf, Mobley, McElderry, Perkins, Pickens, Richardson, Rogers, Salter, Smith of J. Smith of L. Sykes, Townsend of M. Walker of M. Wallis, Weissinger, Wellbourne and Whitfield. 40.

Those who voted in the negative are, messrs. Speaker, Ambrister, Belser, Bonnell Bridges, Broadnax, Cawthon, Coopwood, Dale, Edmondson, Fearn, Flournoy, George, Lane, Lewis of F. Lewis of M. Massey, Mims, Musgrove, Parsons, Penn, Robinson, Sanders, Tarver, Terry, Townsend of P. Walker of D. Wallis.—28.

A message from the Senate by *mr* Crabb: Mr Speaker, the Senate concur in the resolution of your Hon. body, proposing to go into the election of a trustee of the university of the state of Alabama, to fill the vacancy occasioned by the resignation of Bolling Hall, Esq. this day at the hour of 3 o'clock, P. M.

The house again resolved itself into a committee of the whole on the engrossed bill, from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: Mr Terry in the chair, the committee rose. Mr Clark then moved that the committee of the whole be discharged from the further consideration thereof, which was lost. Yeas 31—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Anderson, Bibb of L. Bibb of M. Bonnell, Bridges, Clarke, Cawthon, Clough, Cole, Duke, Durrett, Edmondson, Hill, Hodges, Lea, Lewis of F. Metcalfe, Parker, Pickens, Richardson, Salter, Sanders, Smith of J. Smith of L. Sykes, Terry, Townsend of P. Walker of D. Wallis, and Weissinger.—31.

Those who voted in the negative are, messrs Speaker, Ambrister, Banks, Barker, Barton, Belser, Brandon, Broadnax, Brown, Colgin, Cook, Coopwood, Dale, Dupuy, Fearn, Flournoy, Foster, George, Harris, Lane, Lawler, Lewis of M. Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Perkins, Robinson, Rodgers, Tarver, Townsend of M. Walker of M. Wellborne and Whitfield.—38.

Mr Mardis then moved that the further consideration of the bill be postponed, and that it be made the order of the day for to-morrow, which was carried.

And then the house adjourned until this evening 3 o'clock.

*Evening Session 3 o'clock.*—The house met pursuant to adjournment.

On motion of *mr* Belser, *Resolved*, that the Senate be invited to assemble in the Hall of the House of Representatives for the purpose of electing a trustee of the university of the state of Alabama, to fill the vacancy occasioned by the resignation of Bolling Hall, Esq. *Ordered* that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives, both houses then proceeded to the election of a trustee of the university for the second judicial circuit. Thomas Crawford and Eli Terry, Sen. being in nomination.

For Thomas Crawford 55 votes—For Eli Terry, sen. 32 votes.

Those who voted for *mr* Crawford are, messrs President, Conner, Evans, Garth, Hubbard, Irwin, McVay, Merrimether, Moore of m. Perry, Powell, Ross, Vining, Walthall and Watkins of the senate; *mr* Adams, Ambrister, Anderson, Banks, Belser, Brandon Bridges, Brown, Clark, Cawthon, Clough, Cole, Coopwood, Dale, Duke, Flournoy, Foster, Gage, Hill, Hodges, Lawler, Lea, Mardis, Massey, Metcalf, Mims, Musgrove, McElderry, Parker, Pickens, Richardson, Rogers, Salter, Smith of J. Townsend of P. Walker of M. Walker of m. Wallis, Weissinger, and Wellborne.

Those who voted for *mr* Terry are, messrs Moore of J. Pickett, Smith and Wood of the senate; *mr* Speaker, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Broadnax, Colgin, Cook, Dupuy, Durrett, Edmondson, Fearn, George, Harris, Lane, Lewis of m. Mobley, Parsons, Penn, Perkins, Robinson, Sanders, Smith of L. Sykes, Tarver, Townsend of m. and Whitfield.

Thomas Crawford having received a majority of votes, *mr* Speaker therefore declared

and duly and constitutionally elected a Trustee of the University of Alabama for the second Judicial Circuit.

*Mr Perkins* presented the petition of sundry inhabitants living in Hill's settlement of Tuscaloosa county, praying that said Hill's settlement remain in the boundaries of said county; which was read and referred to the committee on county boundaries.

*Mr Perkins* presented the petition of sundry inhabitants of Hill's settlement of Tuscaloosa county, praying that said Hill's settlement remain in the boundaries of Tuscaloosa county; which was read and referred to the committee on county boundaries.

*Mr Bridges* called up the resolution, proposing that the cashier of the bank of the state, furnish this house with the amount of debts due the bank, &c. *Mr Barton* offered the following amendment: "by the House of Representatives, with the concurrence of the Senate, joint committee of the two houses. *Mr Belser* moved that the resolution, together with the amendment lie, on the table till to-morrow; which was carried.

*Mr Anderson* presented the account of Jordan Alexander; which was read and referred to the committee on accounts.

And then the House adjourned until to-morrow morning, 10 o'clock.  
*Tuesday, December 23, 1828.*

The House met pursuant to adjournment.

A message from the Senate by *Mr Crabb*: *Mr Speaker*, The Senate have passed bills and joint memorial, which originated in their House, entitled an act to incorporate Valley creek academy, in the county of Dallas; an act to amend in part the 4th section of an act, passed at the last session of the General Assembly, appointing commissioners for Dale county, and for other purposes; an act for the relief of Hosea Halcomb, tax collector of Jefferson county; joint memorial to the Congress of the United States, asking them to repeal all laws of Congress which give to the Government of the United States a priority of payment over private creditors in cases of insolvency, and in the distribution of the estates of deceased debtors; in all of which they desire your concurrence.

*Mr Musgrove* presented the accounts of Michael Shaffen, jailer of Blount county; which were read and referred to the committee on accounts.

Engrossed bills from the Senate of the following titles, to wit: An act to incorporate Valley creek academy, in the county of Dallas; joint memorial to the Congress of the United States, asking them to repeal all laws of Congress which give to the Government of the United States a priority of payment over private creditors in cases of insolvency, and in the distribution of the estates of deceased debtors; were severally read a first time and ordered to a second reading on to-morrow.

Engrossed bill from the Senate entitled an act for the relief of Hosea Halcomb, tax collector of Jefferson county, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith; and the rule being further dispensed with, it was then read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

A message from the Governor by *James I. Thornton*.

*December 23, 1828.*—*Mr Speaker*, I am instructed by the Governor to inform your honorable body, that he did, on the 20th instant, approve and sign the following bills: An act to authorize Celia Burgess, a free woman of color, to emancipate her daughter, Fanny; an act to divorce Leecy Lewis from Mordecai Lewis; an act regulating the compensation of jurors in Pickens county; an act to divorce Elizabeth S. Littlepage from



Thomas W. Littlepage; an act to legitimate and change the name of Nancy Steel to Nancy Curl; an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves, levied on by execution, at the town of Montevallo; an act to emancipate a certain slave therein named; an act to amend an act incorporating the town of Huntsville, passed the 9th day of January, 1828; an act to divorce Clarissa Wade from George W. Wade; an act to emancipate a certain slave therein named; an act to locate the seat of justice in Henry county, and for other purposes; an act to authorize the judge of the county court and commissioners of revenue and roads of the county of Perry to make a certain appropriation therein named; an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, approved December 22, 1826, so far as said act relates to the county of Shelby; an act to annex a part of the county of Dale to the county of Pike; an act to alter or change the name of a certain person therein named; an act for the relief of sheriffs; an act to change the names of certain persons therein named, and to legitimate the same; and an act to divorce Hugh McVay from Sophia W. McVay; all of which originated in the House of Representatives.

The engrossed bill from the Senate entitled an act to amend in part the 4th section of an act, passed at the last General Assembly, appointing commissioners for Dale county, and for other purposes, was read a first time and ordered to a second reading on to-morrow.

Mr Gage presented the account of Stith Evans; which, together with the accompanying documents, were read and *referred* to the committee on accounts.

Mr Broadnax presented the petition of Hector Garrett, a free man of color, praying the passage of a law to emancipate certain slaves therein named; which, together with the accompanying documents, was read and *referred* to a select committee, consisting of messrs Broadnax, Terry and Bonnell.

Mr Sanders presented the account of the jailer of Limestone county, which was read and *referred* to the committee on accounts.

Mr George presented the petition of sundry inhabitants of Lauderdale county, praying an alteration in the county court system; which was read and *referred* to a select committee, consisting of messrs George, Barnett and Penn.

Mr Ambrister presented the petition of sundry inhabitants of Jackson county, praying a repeal of the law declaring Paint Rock river a public highway; which was read and *referred* to a select committee, consisting of messrs Ambrister, Welbourne and Smith of J.

Mr Barton, from the judiciary committee, to which was referred a bill to be entitled an act extending to the mayor and aldermen of the town of Tuscaloosa the jurisdiction over roads, bridges and ferries, within the corporate limits of said town, *Reported*, as a substitute, a bill to be entitled an act investing the mayor and aldermen of the town of Tuscaloosa with the power of opening roads within the corporate limits of said town; which was adopted by the House. It was then ordered to be engrossed for a third reading on to-morrow.

Mr Barton, from the judiciary committee to which was referred a resolution instructing them to inquire into the policy and propriety of abolishing imprisonment for debt; and further, whether the boundary lines of each and every county in this state ought not to be the prison bounds. *Reported* a bill to be entitled an act to abolish the imprisonment of females

in civil suits, and to define the prison bounds of the several counties of this state; which was read a first time, and ordered to be read a second time on to-morrow.

Mr Barton, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of having the laws of this state digested and reduced to a more convenient form; and also, of the propriety of discontinuing and expunging from said digest such laws as have been repealed by subsequent acts, &c. or are obsolete from the lapse of time and their own limitation, *Reported* a bill to be entitled an act to provide for revising, digesting and publishing the statute laws of this state in pursuance of the twentieth section of the sixth article of the constitution; which was read a first time and *ordered* for a second reading to-morrow.

Mr Barton made the following report: The judiciary committee, to whom was referred a bill to be entitled an act to amend an act regulating the solemnization of marriages, passed January 5, 1805, have had the same under consideration and instructed me to report the same with the following amendments: strike out the words "section first" preceding the enacting clause of the first section, and also strike out the whole of the second section. In which amendments the house concurred; and the question being put, shall the bill be engrossed and read a third time to-morrow? It was determined in the negative.

Mr Barton, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of providing by law for persons to be recognized to keep the peace or for their good behavior for injuries threatened or done to property as well as to the person, *Reported* that it is inexpedient to legislate on that subject. In which report the house concurred.

Mr Barton, made the following report: The judiciary committee to whom were referred an engrossed bill to be entitled an act to repeal a certain act therein named have had the same under consideration, and instructed me to report the same with the following amendments: strike out the 2nd and 3rd sections of the bill, and amend the 4th section by striking out the figure "4" preceding the enacting clause, and substituting in lieu thereof the figure "2," and strike out all between the word "that," in the first line of said section, and the word "in," in the third line of said section, and insert in lieu thereof the words "this act shall be." In which amendments the house concurred. Mr Clark then moved that the bill be re-engrossed, which was carried.

Mr Penn, from the select committee to which was referred the petition of John W. Hewlett, reported a bill to be entitled an act to authorize John W. Hewlett to establish a ferry on Flint river, in the county of Madison; which was read a first time and *ordered* to a second reading on to-morrow.

Mr Coopwood, from the select committee to which was referred the petition of Eldridge Mallard and William McCain, the legal representatives of the estate of John Byler, deceased, praying the passage of a law authorizing them to set a toll gate on what is known by the name of Byler's road, at some suitable point in township numbered 18 through which said road runs, *Reported* that it is inexpedient to legislate on that subject. Mr Coopwood then moved that the report lie on the table: which was carried.

Mr Walker of D. obtained leave to introduce a bill to be entitled an act to appoint commissioners to take charge of public property; which was read a first time and *ordered* to a second reading on to-morrow.

Mr Anderson obtained leave to introduce a bill to be entitled an act to change the time of holding the county court of Marengo county; which was read a first time; and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and laid on the table.

*Ordered*, that Mr Welbourne have leave of absence for the remainder of the week.

The house again resolved itself into a committee of the whole house on the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: Mr Terry in the chair; and after some time spent in the consideration of the same, the committee rose; Mr Chairman reported progress, and leave was asked to sit again; which was granted.

And then the house adjourned until to-morrow morning 10 o'clock.

*Wednesday, December 24, 1828.*

The house met pursuant to adjournment.

*Ordered* that Mr Dupuy have leave of absence until Monday next.

Mr Smith of J. presented the memorial of sundry citizens of the town of Bellefont, praying the passage of a law to authorize the drawing of a lottery for the purpose of building an academy in said town; which was read and referred to a select committee, consisting of messrs Smith of J. Ambrister and Welbourne, to consider and report thereon.

Mr Walker of D. obtained leave to introduce a bill to be entitled an act to sell and convey a lot of ground in the town of Cahawba; which was read a first time and ordered to a second reading.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed a bill, which originated in the House, entitled an act making a certain appropriation therein named; in which they desire your concurrence. They have passed bills, which originated in the House of Representatives, entitled an act to divorce Matilda S. Chunn from Lancelott Chunn; an act to emancipate certain slaves therein named; and have amended the latter bill by adding thereto an additional section; in which they ask your concurrence.

*Ordered*, That the House concur in the amendment made by the Senate to the bill entitled an act to emancipate certain slaves therein named, by adding thereto an additional section.

Engrossed bill from the Senate entitled an act making a certain appropriation therein named, was read a first time and ordered to a second reading on to morrow.

A message was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT TUSCALOOSA. DECEMBER 2, 1828.

The Hon. the President and Members of the Senate:

Gentlemen—I am authorized by the board and directors of the bible society of the state of Alabama, of which I have the honor to be the presiding officer, to suggest to your honorable body the propriety of passing a law which shall require of the several tax collectors to incorporate, in their returns to the office of comptroller of public accounts, a report of the number of bibles and testaments in their respective counties. The society have found it difficult, and indeed impracticable under any system which they have as yet been able to devise, to ascertain the precise condition of any considerable portion of the state's regards a supply or a deficiency of the sacred scriptures. Without this information the energies of the society can neither be excited or exercised in a suitable manner. It is proper to know the wants of the country in order to stimulate to exertions which will ultimately furnish a remedy; and even if due interest were already excited, and the means of relief placed in the possession of the society, this information would be indispensable to a just and equitable distribution of their benevolence. It is confidently believed that this application to the patronage of the General Assembly,

which is intended to be made in the most respectful manner, will not be considered impertinent, obtusive or without the justification of a laudable and beneficent object. It is needless to remark that the element always subsists a intimate connexion between the moral and religious condition of the people and the purity and permanence of the government which may be instituted for their benefit. There must always subsist a reciprocal and inevitable influence. The society will most gratefully receive this assistance from the legislative authority of the state, and feel strengthened in their efforts by the evidence which it will afford them of countenance and approbation.

I beg leave to avail myself of this occasion to bring to the view of the General Assembly another subject, the notice of which has only been hastened by the wishes of the hibernian society. It is highly desirable that materials should be provided for an accurate statistical history of the state, showing the regular progress of agriculture, the arts, the rearing of certain animals peculiarly useful to man, and connected with the arts and improved condition of society. Manufacturing establishments, mills, spinning jennies, quantity of land in cultivation, working oxen, horses and mules reared in the state, and especially sheep might be made to occupy separate columns in the returns of the tax collectors, which would impose but a slight trouble on them, and would often prove useful subjects of reference to the political economist, forming at the same time the basis of very extensive and most accurate statistical tables, obtained without the least difficulty. The tax collectors at seaports, and inland towns sending produce to markets out of the state, would be enabled with sufficient accuracy to return the annual commercial produce of the state. We should thus have the actual result combined with a knowledge of the means by which it was produced. It will be expedient to make these returns comprehend as many objects as convenience and practicability will permit. The longer such returns continue to be made the less difficulty will be felt in the details. Schools, academies, public libraries &c. ought not by any means to be omitted. Perhaps these returns need not be made every year, but at short stated periods. At the distance of a century hence these authentic documents would be considered highly curious and valuable, and even in a period not exceeding the lives of many of ourselves, would be regarded with great interest. The extreme accuracy of statistics drawn from such a source at once comprehensive and minute would give them a much higher value than those which are derived, as is usually the case, only from uncertain conjectural approximation to the actual truth in matters which attract most attention, and omitting entirely other things important and interesting to be known. In abstract of the returns should be entered as a matter of course on the records of the executive office. Without going into greater minuteness on a subject so plain, I beg leave to recommend that the returns of the tax collectors should be required by law not only to include the taxation but to comprise also all the items which you may think necessary to form a perfect statistical history of the state at any period. Things which may but little excite our attention, while they are passing perhaps unobserved before us, would be viewed in quite a different light by succeeding generations, who might derive lessons of practical wisdom from them: nor do I suppose that they could prove otherwise than useful in directing the present policy and civil economy of the country. Permit me in conclusion to observe that it may not hereafter be unpleasant to reflect, that our inquiries into the supply of the sacred scriptures among the people, was coeval with the first attempt to obtain and disseminate a particular knowledge of the condition and progress of the state. I have the honor to be most respectfully, your obedient servant. (Signed) JOHN MURPHY.

Mr Bibb of L. moved that the communication be referred to the committee on ways and means; which was carried.

Mr Anderson called up the bill to be entitled an act to change the time of holding the county court of Marengo county. Mr Parsons offered the following amendments: Amend the caption by inserting after "county" "and Monroe county court; and add the letter "s" at the end of the word "time;" and also, by adding thereto two additional sections, numbered 3 and 4;" which were adopted. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Walker of D. called up the bill to be entitled an act to appoint commissioners to take charge of public property. Mr Walker of D. then moved to amend it by inserting after the name of Joseph Derry the names of John McElroy and Jacob Morgan; which was carried. The bill was then read a second time and ordered to be engrossed for a third reading to-morrow.

Mr Pickens made the following report: The committee on enrolled

bills have examined and find correctly enrolled a bill, which originated in the Senate, entitled an act for the relief of Hosea Halcomb, tax collector of Jefferson county.

On motion of *mr* Smith of L. *Resolved*, That the judiciary committee be instructed to inquire into the expediency and propriety of consolidating the fees of clerks of the circuit and county courts, the fees of sheriffs and the fees or perquisites of the judges of the county courts; and further, inquire into the expediency of making it the duty of the clerks of the county and circuit courts to keep a copy of said fees posted up in their respective offices; and, on failure so to do, shall not receive any fees for any services rendered, nor shall receive any fees for official acts, only for such time as said fees are kept posted up.

The House again resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named: Mr Terry in the chair; and after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again; which was granted.

And then the House adjourned until to-morrow morning, 10 o'clock.

*Thursday, December 25, 1828.*

The House met pursuant to adjournment, and then adjourned until to-morrow morning, 10 o'clock.

*Friday, December 26, 1828.*—The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from Samuel Pickens, Comptroller of Public Accounts, in relation to the tax collector of Mobile county; which was read and laid on the table.

Mr Barton presented the account of A. Lynch; which was read and referred to the committee on accounts.

*Ordered*, That Mr Barton have leave of absence until to-morrow.

Mr Clough presented the petition of sundry inhabitants of range 19, from the 1st to the 7th township in Dale county, and the 8th township and 19th range in Pike county, praying to be attached to Coington county; which was read and referred to the committee on county boundaries.

Mr Cook presented the account of William Payne, sheriff of Butler county; which was read and referred to the committee on accounts.

Mr Bridges presented the petition of sundry inhabitants of Wilcox county, praying to be attached to Clarke county; which was read and referred to the committee on county boundaries.

Mr Bridges presented the petition of sundry inhabitants of Wilcox and Monroe counties, praying the passage of a law to authorize the drawing of a lottery for raising a sum of money for certain purposes therein mentioned; which was read and referred to the committee on schools, colleges and universities, and school and university lands, to consider and report thereon.

Mr Harris presented the petition of sundry inhabitants of Washington county, praying the passage of a law appointing commissioners to view and mark out a road, running from the present state road, commencing from a point at or near Greensborough, the nearest and best route by Linden, Coffee ville and Washington court house, the ridge road to Mobile; which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Robinson presented the petition of sundry inhabitants of Wilcox county, praying that the Alabama river be made a county boundary which was read and referred to the committee on county boundaries.

Mr Hill presented the petition of sundry inhabitants of Bibb and Shelby counties, praying that no alteration may be made in the road leading from Monte alto to Greensborough, which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Lawler presented the petition of sundry inhabitants of Bibb and Shelby counties on the same subject, as the one before; which was read. *Ordered* that the same, together with the report and accompanying petition on the same subject, be referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr Perkins made the following report: The committee on county boundaries to whom was *referred* the petition of sundry citizens of the county of Dallas praying that the Alabama river be made the southeast boundary thereof, and the petition of sundry citizens of the east part of Perry county, praying to be added to Dallas; the petition of sundry citizens of Perry and Greene counties, praying that a county be formed between the Canowba and Black Warrior rivers; the petitions of sundry citizens of the counties of Greene, Pickens and Tuscaloosa, praying for the formation of a county between the Black Warrior and Tombeckbe rivers; and the petitions of sundry citizens of the counties of Pickens and Tuscaloosa, praying that the last named county may not be formed, have had the same under consideration and have instructed me to report that it is inexpedient that such changes and formation of counties be made. Mr Walker of D. moved that the report lie on the table; which was carried.

Mr Colgin made the following report: The committee on roads, bridges and ferries, to whom was *referred* the engrossed bill from the Senate, entitled an act to alter and amend an act entitled an act to establish a permanent road from Florence in the county of Lauderdale, to Athens in Limestone county, have had the same under consideration, and have amended the same by striking out all after the enacting clause, and inserting in lieu thereof the sections herewith submitted. Mr George moved that the bill be recommitted to the representatives from Lauderdale and Limestone counties, which was carried.

Mr Broadnax, from the select committee to which was referred the petition of Hector Garrett, *Reported* a bill to be entitled an act to authorize Hector Garrett to emancipate certain slaves therein mentioned; which was read a first time and *ordered* to be read a second time on to-morrow.

Mr Ambrister, from the select committee to which was referred the petition of sundry citizens of Jackson county, praying for permission to continue a mill on Paint Rock river, *Reported* a bill to be entitled an act authorizing William Burns and William W. Prewitt to continue their mill on Paint Rock river; which was read a first time and *ordered* to a second reading on to-morrow.

Mr Weisinger called up the communication from the comptroller, in relation to the tax collector of Mobile county. It was laid on the table until to-morrow.

On motion of Mr Salter, *Resolved*, that the Speaker of this house be, and he is hereby instructed to invite Bishop Soule to preach in the representative hall on Sunday next.

On motion of Mr Adams, *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency or inexpediency of changing the time of the meeting of the legislature.

Mr Hodges obtained leave to introduce a bill to be entitled an act for the relief of Jeremiah V. Thomas, a collector of Lawrence county, which was read and *ordered* to a second reading on to-morrow.

*Mr Barker* obtained leave to introduce a bill to be entitled an act to authorize the judges of the county courts and the commissioners of roads and revenue to emancipate slaves under certain restrictions, which was read and ordered to a second reading to-morrow.

*Mr Sykes* obtained leave to introduce a bill to be entitled an act to incorporate a lodge of freemasons in the town of Decatur, in Morgan county, which was read a first time, and ordered to a 2nd reading on to-morrow.

The house then proceeded to the orders of the day.

The engrossed bill from the Senate, entitled an act making a certain appropriation therein named, was read a second time; and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to appoint commissioners to take charge of public property, was read a third time. *Mr Clark* moved to amend the title of the bill by adding the words "in the county of Dallas;" which was carried. The bill was then passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith for concurrence.

*Mr Penn* moved that the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, be laid on the table till to-morrow; which was lost.

The house again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: *Mr Terry* in the chair; and after some time spent in the consideration of the same, the committee rose, *Mr Speaker* resumed the chair, and *Mr Chairman* reported progress, and leave was asked to sit again; which was granted.

And then the house adjourned until 3 o'clock this evening.

*Evening Session 3 o'clock* — The house met pursuant to adjournment.

The house again resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: *Mr Terry* in the chair; and after some time spent in the consideration of the same, the committee rose; *Mr Speaker* resumed the chair, *Mr Chairman* reported progress, and leave was asked to sit again, which was granted.

*Mr Coopwood* offered the following resolution: *Resolved* that this house, for the remainder of the session, will meet every legislative day at the hour of 10 o'clock, A. M. and will not adjourn until one, P. M. and meet again at three P. M. and sit until five, provided the orders of the day are not sooner disposed of in every instance. *Mr Mobley* moved that the resolution lie on the table until to-morrow; which was carried.

And then the house adjourned until to-morrow morning 10 o'clock.

*Saturday, December 27, 1828.*

The house met pursuant to adjournment.

*Mr Clark* made the following report: The select committee to whom was referred a bill to be entitled an act to establish certain election precincts therein specified, report, that they have had the same under consideration, and have amended the same by striking out all the bill after the enacting clause, and inserting in lieu thereof two other sections herewith submitted. They have also amended the first section, by inserting before the enacting clause, the words section 1st. They have also amended the title of the bill by inserting after the word "to" the words "discontinue and," in which amendments they desire the concurrence of the house. *Mr Bridges* moved that the report lie on the table, which was carried.

*Mr George*, from the select committee to which was referred the petition of sundry citizens of Lauderdale county, praying an alteration in the county court system in that county, so as to have quarter yearly sessions of said court in the said county, *Reported* a bill to be entitled an act to enlarge the times of holding of the county court of Lauderdale county, which was read a first time, and ordered to a second reading on Monday next.

*Mr Lawler* obtained leave to introduce a bill to be entitled an act supplementary to an act, entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo, passed at the present session of the legislature, which was read a first time, and ordered to a second reading on Monday next.

The house then proceeded to the orders of the day.

The engrossed bill entitled an act to alter the times of holding the county court of Marengo county, and Monroe county court, was, on motion of *Mr Parsons*, committed to a select committee consisting of messrs *Parsons*, *Anderson* and *Dale*.

The house again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named: *Mr Terry* in the chair; and after some time spent in the consideration of the same, the committee rose, and *Mr Mobley* moved that the committee of the whole be discharged from the further consideration thereof; which was carried—and leave was asked until Monday next to make report; which was granted.

And then the house adjourned until half past 9 o'clock, on Monday next.

*Monday, December 29, 1828.*

The house met pursuant to adjournment.

*Mr Perkins* presented the petition of sundry inhabitants of Walker county, in relation to the removal of the seat of justice of said county, which was read and referred to the committee on county boundaries.

*Mr Perkins* made the following report: The committee on county boundaries, to whom was referred a resolution instructing them to inquire into the expediency of attaching just so much territory from the counties of Dallas and Wilcox to the county of Montgomery, as will make two constitutional counties, without reducing either of the said counties of Dallas or Wilcox, below their constitutional limits, and petitions of sundry citizens of Montgomery, &c. praying for a new county to be formed of the lower part of Montgomery, and parts of Dallas and Wilcox, have had the subject under consideration, and have instructed me to report it inexpedient to form such new county, there not being territory sufficient in the three counties to make four. *Mr Lewis* of m. moved that the report lie on the table, which was carried.

*Mr Cook*, from the select committee to whom was referred a resolution concerning the road which divides the counties of Montgomery and Conecuh, *Reported*, a bill to be entitled an act to amend an act, entitled an act to establish and improve a certain road therein mentioned, approved January 13, 1826, which was read a first time, and ordered to a second reading on to-morrow.

*Mr Bridges* obtained leave to introduce a bill to be entitled an act to incorporate the trustees of the Wilcox society, for the encouragement of literature, which was read a first time, and ordered to a second reading on to-morrow.



Mr Barker offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two houses of the general assembly will on the tenth day of January next, adjourn *sine die*. Mr Anderson moved that the resolution lie on the table, which was carried.

Mr Coopwood called up the resolution in relation to the meeting and adjournment of the house from day to day. Mr Adams moved to amend the resolution, by striking out the word "one," with a view to insert half past 12, which was lost. Mr Parsons then moved that the resolutions lie on the table until Wednesday next, which was lost. Mr Smith of L. moved to amend it, by striking out all the words between the words "of" and "provided," which was carried. Mr Smith of L. moved to amend it by inserting the words "10 o'clock, A. M. and sit till 3 o'clock, P. M." which was carried. Mr Perkins moved to amend the resolution by adding the following: unless otherwise ordered by the house; which was carried. Mr Bibb of L. moved to amend it with the following: "with the concurrence of two thirds of the members present," which was carried.—It was then adopted.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed a bill, which originated in the House of Representatives, entitled an act to repeal in part a resolution entitled a resolution relative to the militia laws of this State, approved on the 13th of January, 1827.

Mr Anderson obtained leave to introduce a bill to be entitled an act to reduce into one the several acts allowing fees to sheriffs; which was read a first time and ordered to a second reading on to-morrow.

Mr Lewis of M. called up the report of the committee on divorce and alimony in the case of Benjamin D. Hassell against Mary Hassell for divorce. It was then recommitted to the same committee, to consider and report thereon.

Mr Parsons made the following report: The committee to whom was referred the bill changing the times of holding the county courts of Marengo and Monroe, have had the same under consideration, and respectfully report the bill with the following amendments, to wit: Strike out the third and fourth sections and add the sections 3, 4 and 5, herewith submitted by way of engrossed order; which was concurred in by the House. The bill was then ordered to be re-engrossed.

On motion of Mr Parker, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so changing the times of holding the circuit court in the seventh judicial circuit, so that the term in Pickens, Fayette and Walker counties, will not come on at the time of the term in Tuscaloosa county; and also, of changing the term in Blount county, so that it will not come on at the time of the term in Jefferson county; with leave to report by bill or otherwise.

Mr Smith of J. obtained leave to introduce a bill to be entitled an act to provide for the payment of grand and petit jurors in the county of Jackson: which was read a first time and ordered to a second reading on to-morrow.

Mr Terry from the committee of the whole, to which was referred a bill to be entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, *Reported* the same with sundry amendments, which are as follows: In the 5th line of 1st section, after the word "at," strike out the word "Courtland" and insert the words "such place as shall be designated by joint vote of both branches of this General Assembly." In the 5th line of the 2d section strike out "\$200 000" and insert "\$100,000;" at the end of the 2d section insert the following

words: "which bonds and affidavits shall be deposited with the Comptroller of Public Accounts." Strike out the word "nine" in the second line of the 4th section. After the word "commissioners" in the 2d line of the 4th section, insert the following: "none of whom shall be entitled to pre-emptive privileges by virtue of the provisions of this act." Strike out all after the enacting clause of section 5 to the words "and commissioners," in the 11th line and insert the following: "That the said lands shall be divided according to value into four classes, the first class of which shall be valued at not less than eight dollars per acre; lands of the second class at not less than five dollars; lands of the third class at not less than three dollars; and lands of the fourth class at not less than the minimum price per acre; but the said commissioners shall assess the true value of each particular half quarter section, or other legal subdivision of said land, which shall be the price at which they shall respectively sell." Add, at the close of the 5th section, the words "and that they respectively are not interested as occupants or otherwise, either directly or indirectly, in the valuation of said relinquished lands; which oath shall be filed in the office of the Secretary of State." In the first line of section 9, after the word "free" insert the word "white." In the 2d line of section 9, strike out the words "who being the head of a family or." In the 9th section, beginning in the 2d line, strike out the words "during the last summer season", and insert in lieu thereof the words "on or before the first day of June, 1828." After the word "practicable," in the 9th line of the 9th section, insert the following: "*Provided*, That, in all cases where a pre-emption is claimed and extended to any one who may be the head of a family, no subordinate member of such family shall be entitled to a pre-emption, unless such subordinate member be over 21 years of age, and cultivate separately." In the 18th line of section 9, after the words "United States' bank notes," insert the words "and its branches." At the end of section 9, add the following: "And the said occupant or occupants shall file his or her affidavit, that he or she offers to enter the land for his or her benefit; not for speculation, nor for another person, before he or she shall be entitled to enter under this act." In the 7th line of section 10, strike out the words "classed and." After the word "lands" in the 11th line of the 10th section, insert the words "of equal or inferior value." After the word "subdivision," in the 15th line of the 10th section, insert the words "of equal or inferior value." At the end of section 12, add the following proviso: "*Provided*, That no person shall be permitted to enter within the first sixty days after the time for pre-emptions have expired more than two quarter sections above his right of pre-emption; and no person shall be permitted to enter any land within said time, without swearing that he makes the application for himself and not for another, nor for purposes of speculation." Mr Parsons moved that the report lie on the table; which was carried.

The House then proceeded to the orders of the day.

A bill to be entitled an act to repeal the 3d section of an act entitled an act to fix the salary of the president of the Bank of the State of Alabama, and for other purposes, was read a second time. Mr Harris moved to amend but the first section of the bill; which was lost. Yeas 23—Nays 45.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Belser, Bibb of L. Bibb of M. Clark, Cawthon, Cole, Cook, Edwards, Harris, Hill, Lewis of M. Madris, M. Elderry, Penn, Saunders, Smith of M. Scales, Pryor, Townsend of M. W. Ellis and W. G. Hill.

Those who voted in the negative are, messrs Adams, Ambrister, Anderson, Barker, Burton, Bennett, Binges, Breadnash, Brown, Clough, Colgin, Coopwood, Dale,

Duke, Dupuy, Durrett, Edmondson, Foster, Gage, George, Hodges, Lane, Lawler, Lea, Lewis of F. Massey, Metcalfe, Mims, Mobley, Musgrove, Parker, Parsons, Perkins, Pickens, Richardson, Robinson, Rogers, Salter, Smith of J. Ferry, Townsend of P. Walker of D. Walker of M. Weissinger and Welbourne.

The bill was then ordered to be engrossed for a 3d reading to-morrow.

A bill to be entitled an act to reduce into one the several acts in relation to the manner of electing electors for President and Vice-President of the United States, and for other purposes, was read a second time. Mr Clark moved to amend the 4th section, by striking out the words *with the managers of said election*; which was carried. Mr Parsons moved to amend the 10th section, by inserting after the word *shall* the word *not*; which was carried. It was then ordered to be engrossed for a third reading on to-morrow.

Mr Parsons called up the engrossed bill from the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; which was carried. Mr Sanders moved that the House concur in the amendment by striking out the word "Courtland" to insert "such place as shall be designated by joint vote of both branches of this General Assembly;" which was carried. Yeas 37—Nays 30.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Barker, Barton, Bibb of L. Bonnell, Bridges, Broadnax, Brown, Colgin, Cook, Duke, Dupuy, Durrett, Edmondson, Fearn, Foster, Gage, George, Harris, Lawler, Lewis of M. Mardis, Mobley, Musgrove, Penn, Parsons, Richardson, Rogers, Sanders, Smith of J. Smith of L. Tarver, Terry, Walker of M. and Welbourne.*

*Those who voted in the negative are, messrs Adams, Anderson, Belser, Bibb of M. Clark, Carthon, Clough, Cole, Coopwood, Duke, Flournoy, Hill, Hodges, Lea, Lewis of F. Massey, Metcalfe, Mims, McElderry, Parker, Perkins, Pickens, Robinson, Salter, Sykes, Townsend of P. Walker of D. Wallis, Weissinger and Whitfield.*

Mr Parsons moved to amend the amendment of the committee of the whole which is as follows: Add, at the close of the 5th section, the words "and that they respectively are not interested as occupants or otherwise, either directly or indirectly, in the valuation of said relinquished lands; which oath shall be filed in the office of the Secretary of State." Insert in the 1st line after the word "not" the words "personally;" which was carried. Mr Coopwood moved further to amend the same, by adding, after the word "lands," the words "except as citizens of this State;" which was carried. The amendment was then concurred in. Mr Parsons moved to amend the bill by adding to the proviso, as reported by the committee, at the end of section 12, with the following proviso: "*And provided further,* That all applications for entry filed with the register within the first — days after the expiration of the time extended to occupants, shall be considered equal as to time of application, and the register shall keep all such applications secret, and no entry shall be made until the expiration of the said — days." Mr Smith of L. moved to fill the blanks with the word "ten;" which was carried. The question was then put on the adoption of the amendment, and carried. Yeas 51—Nays 9.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Banks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Broadnax, Brown, Clark, Carthon, Cole, Colgin, Cook, Duke, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Hill, Lane, Lawler, Lea, Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of M. Weissinger and Whitfield.*

*Those who voted in the negative are, messrs Anderson, Bridges, Clough, Coopwood, Hodges, Lewis of F. Parker, Walker of D and Wallis.*

The remainder of the amendments were concurred in by the House. Mr Fearn moved that the bill lie on the table till to-morrow; which was lost.

Mr Fearn offered the following amendment, to come in at the end of the 13th section: "Add at the end of the 13th section the following: Or whenever the sum of — dollars shall have been received by him." Mr Durrett offered the following amendment: After the word "bank," in the 12th line of the 13th section, insert the following: "Or office of discount and deposite, if there should be one located in the Tennessee Valley;" which was carried. Mr Clark offered the following amendment: Strike out of the 12th line of the 13th section the words "or treasurer," and insert after the word "State," in the same line, the words "of Alabama;" which was carried. Mr Barton offered the following amendment: *And be it further enacted*, That the register, to be appointed by virtue of this act, shall be, and he is hereby required to reserve from sale such part of said relinquished lands as he may be required to do by the canal commissioners who may be appointed to superintend the improvement of the Tennessee river: *Provided*, That, in all cases where such reservations shall have the effect to deprive any person of a pre-emptive privilege to any particular tract of land by virtue of any of the preceding provisions of this act, such person shall be entitled to enter, at its assessed value, any other tract of land not appropriated to any other purpose, or any other person by force of the present or any other act of the General Assembly; which was adopted. Mr Smith of Laud. offered the following amendment to the 14th section: Strike out the words "all of which shall bear interest from the date of purchase, at the rate of six per centum per annum;" which was lost. Mr Coopwood then moved that the bill lie on the table till to-morrow; which was carried.

Mr Adams, who voted in the majority on the adoption of *mr* Coopwood's resolution, proposing that the House adjourn, &c. moved to reconsider the vote; which was carried.

And then the house adjourned until to morrow morning 10 o'clock.

*Tuesday, December 30, 1828.*

The house met pursuant to adjournment.

Mr Dupuy presented the petition of sundry inhabitants of Jefferson ct'y, praying that the road leading from Joseph D. Harrison's, to Esq. Neals, in Cahawba Valley be discontinued, which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Mims presented the petition of sundry inhabitants of Baldwin and Mobile counties, together with the memorial of Benjamin S. Brumley, praying that said Brumley be restored to the rights of citizenship, which was read and referred to the committee on propositions and grievances to consider and report thereon.

A message from the Senate by *mr* Lyon: Mr Speaker, the Senate have passed bills which originated in their house, entitled an act to amend an act, entitled an act to regulate proceedings in chancery suits, passed 1st Jan. 1823; and an act to change the time of holding the county courts of Franklin county; in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives, entitled an act to reduce into one the several acts giving fees to justices of the peace and constables and for other purposes; and have amended the

same by striking from the 26th line of the 1st section, the word "other," in which they desire your concurrence. *Ordered* that the house concur in said amendment.

Engrossed bills from the Senate of the following titles, to wit: An act to change the time of holding the county courts for Franklin county; an act to amend an act entitled an act to regulate proceedings in chancery suits, passed 1st Jan. 1823, were severally read a first time and ordered to a second reading on to-morrow.

Mr Walker from the committee on the state bank to which was referred the bill to be entitled an act to repeal an act entitled an act to increase the capital of the bank of the state of Alabama, approved January 12 1823, *Reported* the bill without amendment. It was then laid on the table.

Mr Perkins made the following report: The committee on county boundaries, to whom was referred the petition of sundry citizens of the counties of Dale and Pike, praying that the townships from the first to the eighth, inclusive of range 19, east of the meridian of St. Stephens be added to, and made a part of Co. J. n. g. n. county, have had the same under consideration and have instructed me to report, that it is inexpedient to make such an annexation. Mr Adams moved that the report lie on the table till the 1st Monday in August next, which was lost. Mr Clough moved that it lie on the table, which was carried.

Mr Perkins from the committee on county boundaries made the following report: The committee on county boundaries, to whom was referred the petition of sundry citizens of Fayette county, praying to be added to Walker county, have had the same under consideration, and have instructed me to report that it is inexpedient, as such annexation would reduce Fayette below its constitutional limits. Mr Richardson moved that the report lie on the table, which was carried.

Mr Perkins made the following report: The committee on county boundaries to whom was referred the petition of sundry citizens of the county of Tuscaloosa, praying to be attached to Fayette, and a counter petition thereto, have had the same under consideration, and instructed me to report that it is inexpedient to attach the territory proposed to the county of Fayette. Mr Richardson moved that the report lie on the table, which was carried.

Mr Perkins made the following report: The committee on county boundaries, to whom was referred the petition of sundry citizens of the county of Wilcox, praying that a county be formed on the east side of the Alabama river, by adding a part of the county of Monroe to that part of Wilcox lying on the east side of said river, and that the remaining portion of Wilcox be added to Marengo, have had the same under consideration, and have instructed me to report that it is inexpedient to make such alteration. Mr Walker of D. moved that it lie on the table, which was carried.

Mr Perkins from the committee on county boundaries, to which was referred the petition of sundry citizens of the county of Walker, praying to be added to the county of Blount, *Reported* a bill to be entitled an act to annex part of the county of Walker to the county of Blount; which was read a first time and laid on the table.

Mr Parker obtained leave to introduce a bill to be entitled an act to authorize the Judge of the county court, and commissioners of roads and revenue of Fayette county to levy an extra tax, which was read a first time and ordered to a second reading on to-morrow.

On motion of *mr Barker*, *Resolved* that the committee on ways and means be instructed to inquire into the expediency of amending the law, so as to assess a tax on the amount of goods purchased by retail merchants in this state, instead of assessing the same in the amount sold by them, with leave to report by bill or otherwise.

On motion of *mr Flournoy*; *Resolved* that the judiciary committee be instructed to inquire into the expediency of authorizing the circuit courts to give final judgments against securities on bonds for writs of error from the county to the circuit courts.

On motion of *Mr Musgrove*, *Resolved* that the committee on roads, bridges and ferries be instructed to inquire into the expediency of making it the duty of each and every one of the justices of the peace in this state to recommend or report to the court of commissioners of roads and revenue, for their county, some suitable person or persons for overseer or overseers in their beat, and that whenever any vacancy takes place of overseer or overseers in the bounds of any Captain's company that the justices of the peace for said company shall be vested with the power of making an appointment to fill such vacancy until the succeeding court of commissioners; and that the said justices of the peace shall also recommend a suitable person or persons for apportioners of hands to work on said roads in the bounds of their beats, with leave to report by bill or otherwise.

*Mr Cook* obtained leave to introduce a bill to be entitled an act making a further appropriation for the pay of the members of the present general assembly; which was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith. *Mr Coopwood* moved to amend the bill by striking out the word *six*, with a view to insert *twenty-five*, which was carried.

*Mr Lewis* of *M.* moved to amend the bill by inserting after the words *general assembly*, the words *and officers of the two houses*; which was carried, and the rule being further dispensed with, it was then ordered to be engrossed and read a third time to day.

The house then proceeded to the orders of the day.

The engrossed bill from the Senate, entitled an act to incorporate Valley Creek Academy in the county of Dallas, was read a second time; and the rule requiring bills and joint resolutions to be read on three several days, being dispensed with, it was then read a third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

A bill to be entitled an act to establish certain election precincts therein specified being under consideration: *Mr Armbrister* moved to amend the bill by adding thereto an additional section, which was carried. *Mr Piker* moved to amend it by adding thereto an additional section, which was carried. *Mr Foster* moved to amend it by adding thereto an additional section, which was carried. *Mr Coopwood* moved to amend it by adding thereto an additional section, which was carried. *Mr Bridges* moved to amend the bill by adding thereto an additional section, which was carried. The amendments were severally concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Engrossed bills of the following titles, to wit: an act to alter the times of holding the county court of Marengo county, and Monroe county court; and an act making a further appropriation for the payment of the members of the present general assembly, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

A message from the Senate by *Mr Crabb*: Mr Speaker, the senate have passed bills which originated in the House of Representatives, entitled an act to appoint commissioners to take charge of public property in the county of Dallas; and an act to alter the time of holding the county court of Marengo county, and Monroe county court, and have amended the latter as herewith shewn; in which they desire the concurrence of the House of Representatives. *Ordered* that the house concur in the said amendment.

A message from the Governor, by James I. Thornton, which is as follows.

EXECUTIVE DEPARTMENT TUSCALOOSA, DECEMBER 29, 1828.

*The Hon the Speaker and Members of the House of Representatives*

Gentlemen—I have just received the resignation of Philip McLoskey, Esq. of the city of Mobile, recently appointed by the General Assembly one of the Wardens of that port. I have the honor to be, most respectfully, your ob't servant

JOHN MURPHY.

*Ordered* that the said message lie on the table. The house then resumed the consideration of the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named. Mr Terry moved to amend the 4th section by striking out the word *six*, which was carried. Mr Durrett offered the following amendment: strike out the following words of the 4th section "at least—of whom shall reside south of the counties bordering upon the Tennessee river," which was lost. Yeas 20—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Barker, Brandon, Brown, Duke, Durrett, Fears, Flournoy, Foster, Gage, Lea, Parsons, Penn, Perkins, Rogers, Smith of L. Tarver, Walker of M. and Whitfield—20.

Those who voted in the negative are, messrs Adams, Ambister, Anderson, Baker, Bibb of L. Bibb of M. Bonnell, Bridges, Broadnax, Clarke, Cawthon, Clough, Cobb, Colgin, Cook, Coopwood, Dale, Dupuy, Edmondson, George, Harris, Hill, Hodges, Lane, Lawler, Lewis of M. Lewis of F. Mardis, Massey, Metcalfe, Moley, McGroove, McElderry, Parker, Pickens, Richardson, Robinson, Salter, Saters, Smith of J. Sykes, Terry, Townsend of M. Townsend of P. Wallis, Webster and Wilborne—47.

Mr Parsons moved to amend the 15th section by striking at the word *payment*, with a view to insert the word *instalment*, which was carried. Mr Bibb of L. moved to amend the section by inserting after the word 'paying,' the words 'the sum due on such instalment ad,' which was carried. Mr Flournoy moved to amend the section with the following: insert after the word 'assignable' in the 8th line, the words 'by indorsement,' which was carried. Mr Smith of Lauderdale, moved to amend the amendment in these words: 'to be acknowledged before the register or any judge of the circuit or county court or justice of the peace;' the amendment as amended was then adopted. Mr Flournoy moved to amend the section with the following: strike out the word *and* in the 22nd line, and insert 'provided however that the register shall not sell said land to a second or subsequent purchaser for any sum that would reduce the price thereof below the amount remaining unpaid, and all expenses which may have been incurred.' Mr Bibb of L. moved the following amendment to the amendment; 'and if there be any excess above the sum so due, such excess shall be paid to the original purchaser, or his assignee or legal representative, which was carried. The amendment as amended was then adopted. Mr Coopwood moved to amend the section by adding the words 'her or their.' Mr Parsons offered the following to come in at the end of the section; 'which may be recovered

in the name of the state by an act of use and occupation,' which was carried. Mr Parsons moved to amend the 16th section in the 3d line by striking out the word *received*, with a view to insert the words 'given a final certificate,' which was carried. Mr Coopwood moved to amend the section, to come in after the word *lands*, with the following: the governor shall issue a patent to the purchasers his, her, or their legal representatives for the same, which shall vest in the patentee, or patentees a fee simple title to the lands so paid for; which was carried. Mr Coopwood moved to strike out all of the section after the word *lands*, which was lost. Mr Parsons who voted in the majority on Mr Coopwood's motion to strike out all of the section after the word *lands*, moved to reconsider the vote, which was carried. The question was then on the adoption of Mr Coopwood's amendment and carried. Mr Parsons offered the following amendment, and upon final payment the register shall forward to the executive department a duplicate of his final certificate, and it shall be the duty of the Governor to forward all patents to the register, which was adopted. Mr Parsons moved to amend the 17th section, in the 7th and 8th lines: strike out the number three where it occurs twice, and insert 4. A division of the question being called for the vote was first taken on striking out and carried. Mr Clark moved to amend the section by inserting after the word 'dollars,' the words, 'except for the first year, for which year said offices shall each receive a salary of fifteen hundred dollars,' which was carried. Mr Smith of L. moved to amend the section by inserting after the word *residue*, the words 'provided it does not exceed — hundred dollars for each commissioner,' which was carried. Mr Fearn moved to amend the section after the word *aforsaid*, the words 'or by the commissioners of the company, in which such vacancy may occur after the commissioners aforesaid shall have divided themselves into companies according to the provisions in this act,' which was adopted. Mr Coopwood moved to amend the 18th section, to come in at the end thereof with the following: 'and the receiver be, and he is hereby required to pay the said commissioners for their services out of the first monies arising from the sale of said lands, whose receipts shall be sufficient vouchers for said receiver in the settlement of his accounts,' which was carried. Mr Cook moved to amend the 18th section after the word *that*, the words 'the compensation of the register and receiver and,' which was carried. Mr Pen moved to amend the 19th section with the following: 'add after the word *quantity*, the words 'and also whenever \$—— shall have been paid to the receiver', add at the end of the same section, 'and the amount paid thereon,' which was carried. Mr Fearn offered the following: 'section 19th,' add at the end of this section the words 'and the comptroller shall keep a separate account of all monies received from the said sales in the name of the internal improvement fund,' which was carried. Mr Parsons moved to amend the 21st section with the following: 'strike out after the word *lands*, to the word *and*, which was carried. Mr Fearn offered the following amendment to the section, and by adding at the end of the section, the following words: 'provided that said register or receiver shall be allowed to enter as much as one quarter section of land when he may be entitled to a preemption for the same as occupant under the provisions of this act,' which was carried.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The House resumed the consideration of the engrossed bill from the Senate, entitled an act to enable the State of Alabama to sell and dispose



of certain lands therein named. *Mr. Flourney* moved to amend the bill by way of the following section: Section — *And be it further enacted,* That the last purchaser to whom the register may sell any of said lands, or the heirs or assigns of such purchaser, shall have a right to an action of unlawful detainer before any justice of the peace of the proper county, against any person or persons who may unlawfully hold over the possession of the same; which was adopted. *Mr. Clark* offered the following amendment: Sec. — *And be it further enacted,* That no member of the present General Assembly shall be eligible to the appointment of register, receiver or commissioner, created by certain provisions of this act. *Mr. Sanders* moved that the amendment lie on the table till the 1st Monday in March next; which was lost. Yeas 15—Nays 51.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Bridges, Brown, Coopwood, Dale, Edmondson, George, Harris, Hodges, Law, Lea, Lewis of P. Salter, Sanders and Wallis.*

*Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Banks, Barker, Belser, Bibb of L. Bonnell, Brandon, Broadnax, Clark, Carthon, Cole, Colgin, Cook, Duke, Dupuy, Durcett, Fearn, Flourney, Foster, Gage, Hill, Lawler, Lewis of m. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Smith of J. Smith of L. Sykes, Tarrar, Terry, Townsend of M. Townsend of P. Walker of m. Weissinger, Welbourne and Whitfield.*

*Mr. Coopwood* offered the following amendment, to come in at the end of the section: 'Because we believe it is unconstitutional,' which was lost. Yeas 13—Nays 50.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Coopwood, Dale, George, Hodges, Law, Lea, Lewis of P. Pickens, Sanders, Sykes, Terry and Wallis.*

*Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Banks, Barker, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Carthon, Cole, Colgin, Cook, Duke, Durcett, Edmondson, Fearn, Flourney, Gage, Harris, Hill, Lawler, Lewis of m. Mardis, Massey, Metcalfe, Mims, Musgrove, McElderry, Parsons, Penn, Perkins, Richardson, Robinson, Rogers, Salter, Smith of J. Smith of L. Tarrar, Townsend of m. Townsend of P. Walker of m. Weissinger, Welbourne and Whitfield.*

The question was then put, Shall the amendment be adopted? and determined in the affirmative. Yeas 43—Nays 21.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Banks, Barker, Belser, Bonnell, Broadnax, Broadnax, Clark, Carthon, Cole, Cook, Duke, Dupuy, Durcett, Fearn, Flourney, Foster, Gage, Hill, Lawler, Lea, Lewis of m. Mardis, Metcalfe, Mims, Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Smith of J. Smith of L. Terry, Walker of m. Weissinger, Welbourne and Whitfield.*

*Those who voted in the negative are, messrs Anderson, Bibb of L. Bibb of m. Bridges, Brown, Colgin, Coopwood, Dale, Edmondson, George, Harris, Hodges, Law, Lewis of P. Massey, Salter, Sanders, Sykes, Townsend of m. Townsend of P. and Wallis.*

And then the House adjourned until to morrow morning, 10 o'clock.

*Wednesday, December 31, 1828.*

The House met pursuant to adjournment.

*Mr. Lane* presented the petition of sundry citizens of Mobile, together with the memorial of Silvaint Breandreau, praying the passage of a law to emancipate a certain slave therein named; which was read and referred to a select committee, consisting of messrs Lane, Townsend of m. and Mims.

*Mr. Hodges* presented the petition and account of Asa Hodges; which was read and referred to the committee on accounts.

Mr Robinson presented the petition of Washington Baldwin, a minor, together with the certificate of sundry citizens of Wilcox county, praying the passage of a law to enable the said Baldwin to take possession of his property; which was read and referred to a select committee, consisting of messrs Robinson, Bridges and Cook.

Mr Townsend of m. presented the petition of sundry inhabitants of Mobile county, praying that a line, beginning at the mouth of cedar creek, running along the main branch of which to its source; thence due west to the western boundary of the State, be made the northern boundary of Mobile county, and that all that part of Mobile county (with its present limits) north of said line, be attached to, and be made a part of, Washington county; which was read and referred to a select committee, consisting of messrs Townsend of m. Lane, Mims, Harris, Mobley and Colgin.

Mr Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Montgomery county, in the case of Benjamin D. Hassell against his wife, Mary, for divorce, *Reported*, That the record is not authenticated according to law; therefore, ask to be discharged from the further consideration of the same. It was then recommitted to a select committee, consisting of messrs Lewis of m. Bonnell and Parsons.

Mr Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Lawrence county, in the case of Margaret Trimble, by her next friend, against her husband, Robert C. Trimble, for divorce, *Reported*, That the record in this case is not authenticated according to law; therefore, ask to be discharged from the further consideration of the same. It was then recommitted to a select committee, consisting of messrs Coopwood, Clark and Wallis.

Mr Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Madison county, in the case of John Layman against his wife, Rebecca, for divorce, *Reported*, That the record is not authenticated according to law:—therefore, ask leave to be discharged from the further consideration of the same. It was then recommitted to a select committee, consisting of messrs Lewis of m. Bonnell and Parsons.

Mr Mardis, from the committee on divorce and alimony, to which was referred the record and proceedings of the circuit court of Shelby county, in the case of John Lindsay against Abbey Lindsay, his wife, for divorce, *Reported* a bill to be entitled an act to divorce John Lindsay from his wife, Abbey Lindsay; which was read and ordered to a second reading to-morrow.

A message from the Governor, by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, TUSCALOOSA, DECEMBER 30, 1828.

*The Hon. the Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to inform you, that in pursuance of an act of the General Assembly, entitled “An act authorizing the Governor to liquidate and settle the accounts between this state and the state of Mississippi,” a correspondence was opened with the Executive of the state of Mississippi on the subject of those accounts, which has resulted in the adjustment of them, in conformity with the provisions of the above recited act. Herewith transmit a copy of the agreement, from which it will appear that legislative interposition on the part of both states, is necessary to consummate the final settlement of these accounts. It is agreed by the authorized agent of the state of Mississippi, that all bonds and evidences of debt (now in pos-

session) due to the treasury, from the defaulting taxcollectors who resided in those counties now composing a part of the state of Alabama, at the time of the separation of Alabama from Mississippi, shall be assigned and transferred to the state of Alabama; and it is agreed by the agent of the state of Alabama that in consideration of such assignment and transfer, the state of Alabama will quit claim and forever release the state of Mississippi from all demands against its treasury, arising out of the 9th section of the act of Congress, entitled an act to establish a separate territorial government in the eastern part of the Mississippi territory, approved 3d March, 1817. I beg leave to invite your early attention to this subject. I have the honor to be, most respectfully, your ob't serv't. *JOHN MURPHY.*

*Ordered,* That said message, together with the accompanying documents, be referred to the judiciary committee.

*Mr Walker of D.* made the following report: The committee on enrolled bills have examined, and find correctly enrolled, bills, originating in this House, of the following titles, to wit: An act to alter the times of holding the county court of Marengo county and Monroe county court; an act to appoint commissioners to take charge of public property in the county of Dallas; an act to authorize the building of a jail in Morgan county; an act to divorce Matilda S. Chann from Lancelott Chuan, and, an act to repeal in part a resolution, entitled a resolution relative to the militia laws of this State, approved on the 13th day of January, 1827, and also, a bill, originating in the Senate, entitled an act making a certain appropriation therein named.

*Mr Farver,* from the committee on accounts, to which was referred the account of Thadeus A. Read, *Reported,* That the account is not properly authenticated, and ask leave to be discharged from the further consideration thereof; which was granted.

*Mr Farver,* from the committee on accounts, to which was referred the account of Michael Shafer, *Reported,* That the account is not authenticated according to law, and ask leave to be discharged from the further consideration thereof; which was granted.

*Mr Farver,* from the committee on accounts, to which was referred the claim of Jordan Alexander, *Reported,* that they have had the same under consideration, and ask leave to be discharged from the further consideration thereof, and recommend that it be referred to the committee on the military. The committee was then discharged, and the account referred to the military committee.

*Mr Farver,* from the committee on accounts, to which was referred the account of Aaron Redders, jailer of Limestone county, *Reported,* that the account is not properly authenticated, and ask leave to be discharged from the further consideration thereof. *Mr Gibb of L.* moved that the account be recommitted to the committee on accounts, with instructions to report the allowance charged in said account; which was lost. The committee was then discharged.

*Mr Perkins* made the following report: The committee on county boundaries, to whom was referred the petition and counter-petition of several citizens of the county of Walker on the subject of the seat of justice for said county, have had the same under consideration, and report a bill to be entitled an act to amend an act entitled an act to provide for the establishment of the permanent seat of justice for the county of Walker, passed the 15th of January, 1828; which was read. *Mr Brown* moved that it lie on the table; which was carried.

*Mr Clark* made the following report: The select committee to whom was referred a bill to be entitled an act to discontinue an election precinct in the county of Walker, and to establish others in lieu thereof, to-

gether with an amendment thereto, *Report*, That they have had the same under consideration, and that the objects proposed by said bill and amendments, are embraced in a bill, reported by said select committee to the House as amended, to be entitled an act to discontinue and establish certain election precincts therein specified; and, therefore, ask leave to be discharged from the further consideration of said bill and amendment; which was granted.

Mr Clark made the following report: The select committee to whom was referred the petition of sundry citizens of the county of Montgomery, praying the establishment of an election precinct at the house of Pierce Stephens; also, the petition of sundry citizens of the county of Lauderdale, praying the removal of an election precinct from the house of John H. Cormish, Esq. one and a half miles east, for the convenience of water, to Jacob McGee's house; and also, the petition of sundry citizens of the county of Dallas, praying the removal of the election precinct held at Alfred Roberts' to the store of Abner Dewese, at Pleasant Hill, a central place, where there is a post office, muster ground and some stores—*Report*, that they have had said petition under consideration; and, for the convenience of said petitioners, have provided in the bill already before the House, referred to and amended by this committee, to the bill entitled an act to discontinue and establish certain election precincts therein specified. Mr Clark moved that the report lie on the table; which was carried.

Mr Mobley obtained leave to introduce a bill to be entitled an act more effectually to prevent a trespass, or a forcible or unlawful entry and detainer; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee.

Mr Parker obtained leave to introduce a bill to be entitled an act to repeal in part an act to locate the seat of justice of Fayette county passed January 12, 1826; which was read and ordered to a second reading on to-morrow.

Mr Musgrove obtained leave to introduce a bill to be entitled an act to establish a certain election precinct therein named; which was read and ordered to a second reading to-morrow.

The House then proceeded to the orders of the day.

The engrossed bill entitled an act to repeal the third section of an act to fix the salary of the president of the Bank of the State of Alabama, and for other purposes, was read a third time. Mr Adams offered the following proviso: *Provide*, That no member shall be permitted to draw more than five hundred and fifty dollars, but may lay in a note sufficiently large to pay all instalments for twelve months; which was lost. Mr Broadnax moved that the main question be now put; and the question being put Shall this bill pass? it was determined in the negative. Yeas 18—Nays 49.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Bridges, Broadnax, Coopwood, Del, Duke, Durrett, George, Hodges, Lee, Lewis of P. Massey, Parker, Perkins, Richardson, Perry, Weissinger and Whitbourne.*

*Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Banks, Barker, Belser, Bibb of L. Bibb of m. Bonnell, Brantley, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Denny, Emanuelson, Fearn, Flowney, Foster, Gage, Harris, Hill, Lee, Linder, Lewis of m. Mullis, Muttalfe, Mims, Mobley, Musgrove, McBlerry, Parsons, Penn, Pickens, Robinson, Rogers, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Walker of D. Walker of m. Wallis and Whitfield.*

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed bills and joint memorial to Congress, which originated in their House, entitled an act more effectually to secure trials in capital cases by impartial juries; an act to incorporate Canton academy, in the county of Wilcox; an act relative to the appointment and duties of trustees; and joint memorial to the Congress of the United States in behalf of Sally Haltom and William Merrell; in which they desire your concurrence. They have passed a bill, which originated in the House of Representatives, entitled an act making a further appropriation for the payment of the members of the present General Assembly.

Engrossed bills from the Senate of the following titles, to wit: Joint memorial to the Congress of the United States in behalf of Sally Haltom and William Merrell; an act in relation to the appointment and duties of trustees; an act to incorporate Canton Academy, in the county of Wilcox; and an act more effectually to secure trials in capital cases by impartial juries; were severally read and ordered to a second reading on to-morrow.

Mr Pickens made the following report: The committee on enrolled bills have examined, and find correctly enrolled, a bill, which originated in this House, entitled an act making further appropriation for the payment of the members of the present General Assembly. And then the house adjourned until this evening 3 o'clock.

*Evening Session 3 o'clock* — The house met pursuant to adjournment.

The engrossed bill from the Senate entitled an act to change the mode of printing and distributing the acts and journals of the general assembly and for other purposes was committed to the committee on the public printing to consider and report thereon.

The engrossed bill from the Senate, entitled an act to amend an act entitled an act to incorporate the town of Tuscaloosa, &c. approved January 12, 1828, was read a second time: and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, being under consideration; Mr Smith of L. offered the following amendment by way of section: *And be it further enacted*, that if any of said lands should be sold on which a crop may be growing or matured, the owner thereof at the time of such sale, shall have a reasonable time to gather and save the same: *provided*, he shall not remain upon any lands so sold, longer than the first of January ensuing the sale of any lands he, she, or they may have in cultivation, which was adopted. Mr Fearn offered the following amendment: section —. *And be it further enacted*, that the cash on hand, the books, accounts and all other records belonging to either of the offices of register or receiver, shall at all times be open to the examination and inspection of any agent who may be appointed to discharge that duty by the Governor of this state; which was adopted. Mr Fearn offered the following: insert at the end of the 13th section the following words: 'a duplicate of the receipt for which shall be filed with the comptroller of public accounts,' which was carried. Mr Fearn offered the following: insert at the end of the 13th section, the following: 'and that said receiver shall not be allowed to exchange any money received by him in payment, for lands sold for any other kind or description of money,' which was adopted. Mr Pickens moved to amend the 10th section with the follow-

ing: 'and all occupants surrendering as contemplated by this section, or removed from their occupancies by any provision of this act, shall make known the land selected by them, in lieu of their occupancies to the commissioners who shall note the same for the information of the register; and the commissioners shall judge and determine if the selection conform to the provisions of this act;' which was adopted.

Mr Fearn who voted in the majority on yesterday on the adoption of Mr Coopwood's amendment to the 18th section, moved to reconsider the vote; which was carried. Mr Coopwood then asked leave to withdraw the amendment; which was granted.

Mr Fearn moved to amend the 18th section with the following: after the words 'out of,' strike out to the end of the section, and insert the following: 'any money in the treasury not otherwise appropriated, and the amount thereof with interest thereon shall be refunded out of the first proceeds of the sales of said lands,' which was adopted. Mr Fearn moved to amend the 7th section with the following: strike out 'three newspapers published in said counties,' and insert 'in all the newspapers of north Alabama, Tuscaloosa, and one of Nashville Tennessee, the Selma Courier, Alabama Journal, Mobile Commercial Register.' Mr Mobley moved to amend the amendment by adding 'the Claiborne Herald;' which was carried. The amendment was then adopted. Mr Parsons moved to strike out of the 4th section, the words 'herein after named;' which was carried. Mr Clark moved to fill the first blank in the 4th section with the word 'twelve;' which was carried. Mr Cook moved to amend the section by striking out the words 'who now occupy the same and;' which was carried. Mr Clark moved to fill the 2nd blank in the same section with the word *eight*; which was carried. Mr Clark moved to amend the section by inserting after the word 'into' the word 'four;' which was carried. Mr Sanders moved to amend the 4th section by striking the words 'suitable to make such examination;' which was carried. Mr Fearn moved to amend the 12th section with the following: 'and all applicants shall file with the register, his or her affidavit to be preserved by the register, setting forth, that the land applied for is for his or her own use, and not for the purpose of sale or speculation, or for the use of another, and no applicant who may fail to file an affidavit as aforesaid, shall be entitled to enter any tract of land, when there is any other applicant for the same;' which was carried. Mr Harris moved to amend the 9th section with the following: strike out the word *quarter*, where it first occurs, and insert *half* a division of the question being called for.

And then the house adjourned until to-morrow morning 10 o'clock.

*Thursday, January 1, 1829.*

The house met pursuant to adjournment.

Mr Bridges presented the petition of sundry inhabitants of Wilcox county, praying to be attached to Clarke county, which was read and referred to the committee on county boundaries.

Mr Coopwood presented the certificate of sundry citizens of Limestone county in relation to Mrs Margaret Trimble; which was read and referred to the select committee, to which was referred on yesterday the record for her divorce.

Mr Lewis of m. presented the petition of sundry citizens of the town of Montgomery, praying an act of incorporation to be styled 'the Montgomery Wharf and Steamboat company,' which was read and referred to a select committee, consisting of messrs Lewis of m. Bonnell and Belser to consider and report thereon.

Mr Harris from the committee on propositions and grievances, to which

was referred the petition of sundry citizens of Morgan county, praying the passage of a law, authorizing the citizens of said county to take a vote on the removal of the seat of justice, *Reported* that from the very small number of subscribers when compared to the whole population of the county, that it is inexpedient to legislate upon the subject. In which report the house concurred.

*Mr Harris*, from the committee on propositions and grievances to which was referred the petition of Chisley B. Roundtree, asking compensation for taking the census of the county of Lauderdale in the year 1820 for the then marshal of the State (Col. Files,) at the request of Gen. Coffee, and the certificates of Gen. Coffee that the petitioner did perform the service for which he asks payment, *reported*, that the prayer of the petitioner ought not to be granted. *Mr Durrett* moved that it be recommitted to a select committee with instructions to report the allowance as charged without interest; which was lost. The report was then concurred in.

*Mr Harris*, from the committee on propositions and grievances to which was referred the petition of Simon Bowden, praying the passage of a law emancipating a certain boy named Peter, from and after the 7th day of Jan. 1847, *reported*, that the prayer of the petitioner is unreasonable and ought not to be granted. *Mr Flournoy*, moved that the petition be recommitted to a select committee with instructions to report a bill; which was carried. Committee messrs Flournoy, Bridges and Duke.

*Mr Harris*, from the committee on propositions and grievances to which was referred the petition of Henry T. Anthony, praying the passage of a law releasing him from the payment of a sum of a money therein specified: also requesting that the county court of Tuscaloosa county be authorized, if they think fit to allow him a sum of money due the county of Tuscaloosa, together with the written documents of Judge Field; the commissioners of revenue and roads of Tuscaloosa county, and the county treasurer of said county, *Reported*, that it is inexpedient to grant the prayer of the petitioner. *Mr Perkins* moved that the report lie on the table; which was carried.

*Mr Farler*, from the committee on accounts to which was referred a bill to be entitled an act to refund the county treasury of Wilcox county a sum money therein named, *Reported* the same without amendment.—It was then ordered to be engrossed for a third reading on to-morrow.

*Mr Townsend* of m. made the following report: The committee on the public printing, to which was referred an engrossed bill from the Senate, to be entitled an act to change the mode of printing and distributing the acts and journals of the General Assembly, and for other purposes, have had the same under consideration according to order and have instructed me to report the following amendment: strike out all after the enacting clause to the 10th section and substitute a section in lieu thereof; which was adopted. *Mr Clark* moved to amend the title of the bill by striking out all after the word "to" and insert in lieu thereof the words "increase the salary of the state printer;" which was carried. It was then ordered to a third reading to-morrow.

On motion of *Mr Lewis* of m., *Resolved*, that the committee appointed to examine the State Bank, have leave to sit during the sessions of this House.

*Mr Lewis* of m. asked leave to be discharged from the committee on ways and means; which was granted.

*Mr Brown*, obtained leave to introduce a bill to be entitled an act to authorize the people of the county of Walker to fix the permanent seat of

justice in said county, and for other purposes ; which was read and ordered to a second reading on to-morrow.

Mr Bridges obtained leave to introduce a bill to be entitled an act to change and designate the boundaries of certain counties therein named ; which was read and ordered to a second reading on to-morrow.

The House then proceeded to the order of the day.

The House resumed the consideration of Mr Harris' amendment to the engrossed bill from the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named ; the question was on striking out the word "quarter;" which was carried. Yeas 36—Nays 28.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Bibb of L. Bibb of M. Bridges, Broadbax, Brown, Clough, Colgin, Coopwood, Dale, Dupuy, Durrett, Edmondson, Flournoy, Harris, Hodges, Lane, Lea, Lewis of F. Lewis of M. Mardis, Mobley, Parsons, Perkins, Richardson, Robinson, Salter, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Wallis and Whitfield.*

*Those who voted in the negative are, Mr Speaker, Ambrister, Anderson, Banks, Barker, Bonnell, Clark, Cawthon, Cole, Cook, Fearn, Foster, George, Hill, Lawler, Metcalfe, Mims, Musgrove, McElderry, Parker, Penn, Pickens, Rogers, Smith of J. Walker of D. Walker of M. Weissinger and Weiborne.*

The question was then on filling the blank with the word "half;" which was carried. Yeas 43—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Anderson, Bibb of L. Bibb of M. Bridges, Broadbax, Brown, Clark, Clough, Cole, Colgin, Coopwood, Dale, Dupuy, Durrett, Edmondson, Foster, George, Harris, Hodges, Lane, Lea, Lewis of F. Lewis of M. Mardis, Mims, Mobley, Parsons, Perkins, Richardson, Robinson, Salter, Sanders, Smith of L. Smith of L. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker, of D. Wallis and Whitfield.

Those who voted in the negative are, messrs Speaker, Ambrister, Banks, Barker, Bonnell, Cawthon, Cook, Fearn, Flournoy, Hill, Lawler, Metcalfe, Musgrove, McElderry, Parker, Penn, Pickens, Rogers, Walker of M. Weissinger and Weiborne.

Mr Lea offered the following proviso to the 9th section: *Provided however*, that no person or persons under the provisions of this act shall by a preference be entitled to more than one quarter section, unless the improvements of such person or persons included on the first of June last, more than one quarter section of the selected lands: *And provided further*, that whenever a preference to more than a half quarter is claimed, such preference shall be taken in entire quarter sections, if such land has been relinquished in quarter sections, and so improved. Mr Clark moved that the main question be now put ; which was on the adoption of Mr Lea's amendment; and the question being put, shall the amendment be adopted? it was determined in the affirmative. Yeas 33—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Barker, Bibb of m. Bonnell, Broadbax, Cawthon, Cook, Dale, Durrett, Fearn, Foster, George, Lawler, Lea, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Walker of m. Wallis and Weissinger.

Those who voted in the negative are, messrs Adams, Anderson, Bibb of L. Bridges, Brown, Clark, Clough, Cole, Colgin, Coopwood, Dupuy, Edmondson, Flournoy, Harris, Hill, Hodges, Lane, Lewis of F. Lewis of m. Mardis, Mims, Mobley, Richardson, Robinson, Terry, Townsend of m. Townsend of P. Walker of D. Wallis and Weissinger.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The House resumed the consideration of the engrossed bill from the Senate, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named. Mr Bibb of L. moved that the rule requiring bills and joint resolutions to be read on three several days be dispensed with, and that it be read a third time forthwith; which was



carried. The bill was then read a third time. Mr Parsons moved to amend the same by way of the following engrossed rider: After the word *improved* the words *and cultivated by the occupant holding under him, her or them;* which was carried. Mr Bibb of L. moved to fill the blank in the 13th section with the words *fifty thousand;* which was carried. Mr Fearn moved to fill the blank in the 17th section with the words *six hundred;* which was carried. Yeas 34—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Barker, Belser, Bonnell, Broadnax, Clark, Colgin, Coopwood, Dale, Dupuy, Fearn, Flournoy, Gage, George, Hill, Lane, Lawler, Lea, Lewis of F. Mardis, Metcalfe, Mims, Mobley, Parsons, Penn, Perkins, Robinson, Parver, Terry, Townsend of M. Wallis Welbourne, and Whitfield.

Those who voted in the negative are, messrs Adams, Ambriester, Anderson, Bibb of L. Bibb of M. Bridges, Brown, Cowham, Clough, Cole, Cook, Duke, Duke, Edmundson, Foster, Harris, Hodges, Massey, Musgrove, McElderry, Pickens, Richardson, Rogers, Sailer, Saunders, Smith of J. Smith of L. Sykes, Townsend of P. Walker of D. Walker of M. and Weissinger.

Mr Fearn moved to amend the 17th section after the word *persons*, by way of the following engrossed rider: 'Without regard to their residence; requiring, however, all the other qualifications conformably to the provisions of this act;' which was carried. Mr Penn moved to fill the blank in the 19th section with the words *fifty thousand;* which was carried. Mr Hall offered the following amendment, by way of engrossed rider: *And be it further enacted, That all persons who own land adjacent to any of said relinquished lands, which is not occupied, cultivated or settled upon, shall be entitled to a preference in the entry of one quarter section of said land: Provided, all such applicants shall first file with the register his or their affidavit, that he or they apply for themselves and not for speculation, or any other person;* which was lost. The bill was then put upon its passage, and the question was, Shall this bill pass? It was determined in the affirmative. Yeas 51—Nays 14.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambriester, Anderson, Belser, Bibb of L. Bibb of M. Bonnell, Bridges, Broadnax, Brown, Carthon, Clough, Cole, Colgin, Cook, Coopwood, Dale, Dupuy, Dyer, Edmundson, Fearn, Foster, George, Hill, Hodges, Hudson, Lane, Lea, Lewis of F. Metcalfe, Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Sailer, Sanders, Smith of J. Smith of L. Sykes, Terry, Townsend of M. Townsend of P. Walker of D. Walker of M. Wallis and Welbourne.

Those who voted in the negative are, messrs Banks, Barker, Clark, Duke, Flournoy, Gage, Harris, Lawler, Mardis, Massey, Rogers, Parver, Weissinger and Whitfield.

Ordered, That the title be as aforesaid. Ordered, That the clerk acquaint the Senate therewith.

And then the House adjourned until to-morrow morning, 10 o'clock.

Friday, January 2, 1829.

The house met pursuant to adjournment.

Mr Anderson presented the petition of William Browning and James B. Wolf, accompanied with the petition of sundry inhabitants of Marcngo county, praying that said Browning and Wolf continue their sawmill and gristmill on the Chickasaw Bogue creek; which was read and referred to the committee on propositions and grievances.

Ordered, That Mr Lawler have leave of absence until Tuesday next.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed bills and a joint memorial, which originated in their House, entitled an act for the relief of sheriffs and other officers; an act to revive and

continue in force a certain act therein named; an act to change the times of holding the county courts of Jackson county, and for other purposes; an act to amend the act incorporating the town of Florence, an act to divorce Ambrose Sanders from his wife, Elizabeth Sanders; and joint memorial to the Congress of the United States, requesting that the unappropriated lands within the State of Alabama may be ceded to the State for the purpose of internal improvement therein; in all of which they desire your concurrence.

Engrossed bills from the Senate of the following titles, to wit: Joint memorial of the two Houses of the General Assembly of the State of Alabama to the Congress of the United States, requesting that the unappropriated lands within the State of Alabama may be ceded to the State for the purposes of internal improvement therein; an act to divorce Ambrose Sanders from his wife Elizabeth Sanders; an act to amend the act incorporating the town of Florence; an act to change the times of holding the county courts of Jackson county, and for other purposes; an act to revive and continue in force a certain act therein named; and an act for the relief of sheriffs and other officers; were severally read and ordered to a second reading on to-morrow.

Mr Barker presented the petition of sundry inhabitants of St. Clair county, praying to lessen the number of private soldiers in Capt. Hood's militia company beat in said county; which was read and referred to the military committee.

Mr Clark, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of allowing compensation to judges of the county courts in this State for taking and approving the bonds of the various county officers, whose bonds it is made their duty to examine and approve, *Reported* a bill to be entitled an act to explain and amend the laws allowing fees to judges of the county courts of this State; which was read and ordered to a second reading on to-morrow.

Mr Clark made the following report: The committee on the judiciary, to whom was referred a resolution instructing them to inquire whether some provision by law ought not to be made for creditors to contest the right of applicants for the benefit of the insolvent laws, and whether evidence ought or ought not to be received by the judge or justices, shewing that said applicant ought not to have the benefit of said laws; with leave to report by bill or otherwise; and also, the resolution instructing them to inquire into the expediency of providing by law for the abolishment of imprisonment by close confinement: *Provided*, any individual or individuals, arrested by virtue of a *casu*, will immediately go before the judge of the county court, and render a schedule of all their effects liable to execution, and deliver the same into the hands of the sheriff or other officer, for the benefit of his creditor, and make oath to said schedule as now required by law, after having given the regular notice to creditors. The same committee reported a bill to be entitled an act to amend and reduce into one the several acts for the relief of insolvent debtors; which was read and ordered to a second reading on to-morrow.

Mr Mobley, from the judiciary committee, to which was referred a resolution to inquire whether the existing laws ought to be so changed as to allow guardians, resident in this State, to bring into this State property of their wards without restriction, *Reported* a bill to be entitled an act to authorize guardians to bring the slaves of their wards into this State without restriction; which was read and ordered to a second reading on to-morrow.

*Mr. Flournoy* obtained leave to introduce a bill to be entitled an act to ascertain the voice of the people of Pickens county, relative to the removal of their present seat of justice; which was read and ordered to a second reading on to-morrow.

*Mr. Fearn* offered the following preamble and resolution: Whereas, there are *now* in force two different acts regulating the management of the 16th sections of this State; and whereas it is desirable that some uniform system should be pursued, when the objects to be effected are the same; *Be it therefore resolved*, That the committee on schools, colleges and universities, and school and university lands, be instructed to inquire into the expediency of repealing one of the acts in relation to the 16th sections; and *to* further to inquire whether it be necessary to amend either of said acts; which was adopted.

The House then proceeded to the orders of the day.

A joint memorial of the Senate and House of Representatives of the State of Alabama, on the subject of the public land debtors, was read a second time and referred to the committee on the state of the republic, with instructions to make report thereon on Monday next, on *Mr. Coopwood's* motion.

A message was received from the Governor, by James I. Thornton, which is as follows:

*January 2, 1829.*—*Mr. Speaker*, I am instructed by the Governor to inform your honorable body, that he did, on the 1st instant, approve and sign the following bills: An act for the relief of Andrew O. Horn, tax collector of Lawrence county; and an act making a further appropriation for the pay of the members of the present General Assembly; all of which originated in the House of Representatives.

*Ordered*, That *Mr. Barker* be added to the committee on accounts.

Engrossed bill from the Senate entitled an act to increase the salary of the state printer was read a third time. *Mr. Parsons* moved to amend the bill by way of the following engrossed rider: *Provided* said printer accurately print and distribute the laws, resolutions, memorials and journals within seventy-five days from the adjournment of the Legislature; which was adopted. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

Engrossed bill entitled an act prohibiting certain persons from exercising the powers of justices of the peace and constables of this State, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the senate for their concurrence.

A bill to be entitled an act to repeal in part a certain act requiring judges of the circuit courts to alternate, was read a second time. *Mr. Walker* of D. moved to strike out the proviso to the second section; which was carried. Yeas 30—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Ambrister, Anderson, Belser, Clark, Cawthon, Clough, Cole, Coopwood, Duke, Edmondson, Fearn, Flournoy, Foster, Hill, Hodges, Lewis of F. Mardis, Massey, Metcalfe, Musgrove, McElderry, Parker, Pickens, Richardson, Sanders, Smith of J. Percy, Walker of D. and Walker of m.

Those who voted in the negative are, messrs Speaker, Banks, Barker, Bibb of m. Bibb of L. Bonnell, Bridges, Broadnax, Brown, Dale, Dupuy, Durrett, Harris, Lane, Lea, Lewis of m. Mims, Mobley, Parsons, Penn, Perkins, Robinson, Siler, Smith of L. Sykes, Tarver and Townsend of m.

*Mr. Bridges* moved to strike out all of the bill after the enacting clause with a view to insert the following: "That the act entitled an act to re-

quire additional services to be performed by the judge of the first judicial circuit in this State, passed the 12th of January, 1827, be and the same is hereby repealed." A division of the question being called for, the vote was first taken on striking out, and lost. *Mr Terry* offered the following amendment at the end of the 3d section: "And that all laws contravening the provisions of this act be and the same are hereby repealed;" which was carried. *Mr Bridges* then moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 18 — Nays 43.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Banks, Barker, Bridges, Clark, Cole, Coopwood, Duke, Dupuy, Edmondson, Gage, Hill, Hodges, Lewis of m. Massey, Mitealf, Musgrove and Parkec. — 18*

*Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Belser, Bibb of L. Bibb of m. Bonnell, Broadnax, Bearn, Cawthon, Clough, Dale, Lurritt, Fann, Flournoy, Foster, George, Harris, Lane, Lea, Lewis of F. Mardis, Mims, Mobley, McElherry, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Walker of D. Walker of m. — 43*

The bill was then ordered to be engrosed for a third reading on to-morrow.

*Mr Mardis* called up the resolution in relation to the tract of country occupied by the Creek and Cherokee Indians: the resolution was then adopted. *Mr Mardis* moved that it be referred to the committee on the state of the republic; which was carried.

*Mr Lewis of m.* moved that the orders of the day be dispensed with; which was carried.

*Mr Lewis of m.* then obtained leave to introduce a bill to be entitled an act to establish the county of —; which was read, and ordered to a second reading on to-morrow.

*Mr Lewis of F.* offered the following resolution: *Resolved*, that the committee on the state of the republic be instructed to inquire into, and report the condition of the commercial relations of this state, with all the other states in the union, and of foreign states or nations, if any there be. *Mr Clark* moved that the resolution lie on the table till the first day of March next; which was carried.

And then the house adjourned until to-morrow morning 10 o'clock.

*Saturday, January 3, 1829.*

The house met pursuant to adjournment.

*Mr Perkins* presented the memorial of John Marrast praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

*Mr Massey* presented the memorial of Dr. David Moore, praying for compensation, for services rendered certain prisoners in the jail of St. Clair county, which was read and referred to the committee on propositions and grievances.

*Mr Harris* from the committee on propositions and grievances, to which was referred the petition of Benjamin S. Brumley and others, *Reported* a bill to be entitled an act for the relief of Benjamin S. Brumley, which was read and ordered to a second reading on Monday.

*Mr Harris* from the committee on propositions and grievances to which was referred a resolution instructing them to inquire into the expediency or in expediency of changing the time of the meeting of the Legislature, *Reported* a bill to be entitled an act to change and fix the time for convening the general assembly of the state of Alabama; which was read and ordered to a second reading on Monday next.

Mr Harris from the committee on propositions and grievances, to which was referred the claim of Martin Wells, *Reported* a bill to be entitled an act for the payment of Martin Wells; which was read and ordered to a second reading on Monday next.

Mr Harris, from the committee on propositions and grievances, to which was *referred* the petition of Dial Peavy, asking relief of the state, in consequence of Flint river in the county of Madison, being declared a public highway by the Legislature of his state, by which he sustained great losses, &c. *Reported*, that if the state of Alabama has by act or otherwise, injured the property of Mr Peavy, he has his remedy in the circuit courts of this state in pursuance of an act, directing in what manner and in what courts suits may be brought against the state of Alabama, passed January 5, 1827, and ask leave to be discharged from the further consideration of the subject. Mr Penn moved that the report lie on the table; which was carried.

Mr Harris from the committee on propositions and grievances, to which was *referred* the petition of the citizens of Jackson county, praying the passage of a law allowing to the head of each family, a horse exempt from execution, *Reported* a bill to be entitled an act supplementary to an act entitled an act concerning executions and sales by sheriffs and for other purposes; which was read and ordered to a 2d reading on Monday next.

Mr Harris from the committee on propositions and grievances to which was *referred* the petition of sundry inhabitants of Greene county, praying that compensation should be made to Stith Evans of the said county of Greene, for pursuing and apprehending Thomas C. H. Gantt, charged with slave and horse stealing and grand larceny, *Reported* a bill to be entitled an act for the relief of Stith Evans, of the county of Greene, which was read and *ordered* to a second reading on Monday next.

Mr Walker of D. obtained leave to introduce a bill to be entitled an act to repeal in part an act, entitled an act to suppress the evil and pernicious practice of firc hunting; which was read and *ordered* to a second reading on Monday next.

Mr Clark who voted in the majority on yesterday, on laying Mr Lewis' of F. *resolution* in relation to the commercial relations of this state, with all the other states in the union, moved to reconsider the vote; which was carried. Mr Walker of D. moved that the resolution lie on the table; which was carried.

A joint resolution, proposing amendments to the constitution of this state, so as to have biennial sessions of the general assembly thereof, was *referred* to a select committee, consisting of messrs Coopwood, Walker of D. Mobley, Penn and Mardis to consider and report thereon.

The bill to be entitled an act to authorize guardians to bring the slaves of their wards into this state without restriction, was read a second time; and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then *ordered* to be engrossed and read a third time to day.

A message was received from the Governor by James I. Thornton which is as follows:

EXECUTIVE DEPARTMENT. TUSCALOOSA, JANUARY 2d, 1829.

*The Hon the Speaker and Members of the House of Representatives*

Gentlemen: The recent report of the Adjutant General, shewing a continued neglect in making returns to him, by which alone he could be enabled to make a full return of the strength and condition of the militia of the State, indicates the necessity of more rigorous enforcement of existing provisions, or of imposing new sanctions, to insure from the officers the discharge of their duties. The Adjutant, of Re-

giments, the assistant Adjutants General, and the Adjutants General of Division, are the officers concerned in making out annual returns of the strength of the militia, to the Adjutant General of the State, whose duty it is to consolidate the whole and make a return to the General Assembly. If any of these officers neglect their duty, the return must be incomplete and unsatisfactory. We are losing annually a considerable amount of arms from the General Government, because the public arms are distributed according to the militia returns of the several States, and our returns are always greatly below the actual strength of the militia. Nothing can place this matter in a stronger light than the fact, that the return of 1822 or of 1823, is the largest return that has ever been made to the General Government from this State and upon which our quota of arms has been received. It was notorious to the ordnance department, that our strength could not be decreasing, and the largest return was in justice resorted to, to apportion our quota. The returns are every year more incomplete, threatening a general inattention to making any return at all. I beg leave therefore to recommend that high penalties be imposed upon all officers for neglect of duty concerned in making their returns, and that it be made the duty of public and responsible officers to enforce them. Through the legal agency of the Solicitors of the several circuits, the Adjutant General of the State might enforce the penalties against the Adjutant General of Division, the Majors General against the assistant Adjutants General, and the Brigadiers against the Adjutants, of Regiments. A proper responsibility should thus be carried down through every grade of office. If the Majors General, or the Brigadiers, or the Adjutant General of the State, should neglect or refuse to perform their duty in this respect, it should be made the duty of the commander in chief to enforce the penalties imposed on them. This system may appear to be more formidable in the recommendation than it will be found to be in practice. When the officers see the necessity of discharging their duty and have a few times attended to it, the penalties of the law will be but seldom incurred; something more cogent than their circulars or threats of arrest will be found to be unavoidable. I have the honor to transmit a communication made to this department by the Adjutant General, and earnestly recommend that his compensation be made commensurate with his duties, and that his duties and powers be so increased as effectually, to secure the objects which the State contemplated in the establishment of such an office.

While on the subject of the militia I beg leave to make several other recommendations, which are considered to be either highly useful or altogether indispensable. Doubts have arisen whether men are required by law to carry arms while attending musters, and the law ought to be so explained as to make it clearly their duty to do so. Without arms it is conceived impossible that any one should be animated by the true spirit of a soldier, or feel any desire or emulation to acquire military knowledge, so little called for by his appearance and condition. To attend to military duties, under such circumstances involves incongruity, which excites ridicule. His arms have ever been the pride of the soldier, and without them he can neither acquire or wish to acquire the exact discipline which ought to distinguish him. This single error would be fatal to the discipline of the militia. Subaltern officers are now exempt from a battalion and regimental drills, previous to battalion and regimental reviews.

The exemption defeats the object of the necessary drills—The commissioned officers are not sufficiently numerous to form a body large enough to learn any thing, even of company drills. It is also equally necessary that non-commissioned officers should be instructed as almost any others. They should therefore be required to attend the drills, which are designed to impart knowledge absolutely necessary to all the officers. The uniform of an officer is frequently a matter of burdensome expense, and at the same time without uniform he cannot assume the appearance or support the dignity of his station. The officers hereafter elected might be required in a given time to uniform themselves, in a plain, neat and cheap manner with the domestic manufactures of the State, made and turned up, in suitable military mode. The uniform ought to be prescribed by law, and all should be made to conform to it, or such only as might choose that kind of uniform in preference to the uniform now required by law. Every officer should be required to procure the arms necessary for an officer of his grade; and suitable penalties should be imposed and enforced for any

neglect or refusal. Much trouble arises from giving notices in cases of delinquency at company musters, and frequent excuses are made that the notices were not served, or not served in some respect according to law. To obviate this inconvenience, and to lessen the burdens of military service in this respect, it might be expedient to designate the times of holding company musters, say for example, on the first Monday or Saturday in January, in April, in July and in September. These or similar times would soon become notorious, and never escape the recollection of the companies. It would be improper to prescribe stated days, for battalion and regimental musters, as that would interfere with the reviews of the commanding officers.

The militia law requires some amendment in regard to the appeals which are allowed in cases of delinquency in attending upon musters; an appeal can be had from a regimental court-martial, to what is termed a general court-martial, which is supposed to mean the same thing as a brigade court-martial in such instances; these higher courts are never assembled to try appeals in cases of delinquency, and an appeal to them is known to be tantamount to an acquittal; hence frequent appeals are made. The law is defective, because it does not require that these courts should be assembled at regular and stated periods, nor is any way pointed out by which they can be assembled at all on such occasions, as business of appeals from the other courts. It would seem to be more expedient, to make final the decision of the regimental courts in all cases of such delinquency, because it would be difficult and troublesome, without any correspondent utility to assemble annually, these general courts-martial. It has been thought by officers of experience that troops of Cavalry require an additional officer, a second Lieutenant. I am inclined to believe that this change is necessary to give a perfect command to such corps, and recommend the subject to the consideration of the General Assembly. It is with great reluctance that I offer these recommendations; when your time is so much occupied in the discussion and adjustment of other public objects of greater, or at least more immediate importance. Still the discipline and efficient organization of the physical force and defence of the country, can never cease to be a matter of essential interest. The alterations and amendments which have been proposed it is conceived will substantially amend the existing laws, and may serve without much addition, until more time can be devoted to a general revision; which however ought not to be attempted until all the defects are clearly seen from experience. It affords great pleasure, that we receive testimony from other States, if testimony should be thought wanting, that the discipline of the militia, which in fact composes the foundation of our security is not to be regarded as a visionary and fruitless project. I have the honor to be most respectfully,  
Your Obedt Serv't.

JOHN MURPHY.

The message, together with the accompanying documents, was referred to the military committee.

A message from the Senate by *Mr Crabb*: *Mr Speaker*, The Senate have passed a bill, which originated in their house, entitled an act to regulate judicial proceedings on records from other States; in which they desire your concurrence.

Engrossed bill from the Senate, entitled an act to regulate judicial proceedings on records from other States, was read and ordered to a second reading on Monday next.

Engrossed bill from the Senate, entitled an act to extend the limits of Clarke county, was read a second time. *Mr Dale* offered the following amendment: That all that part of Monroe county, which is situate west of the Alabama river, and west of the range line, which separates ranges four and five, shall be added to and compose a part of the county of Clarke; which was lost. Yeas 26—Nays 34.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Bibb of L. Bridges. Broadnax, Clark Clough, Cole, Dale, Edmondson, Hill, Lane, Lea, Lewis of F. Mardis, Mims, Musgrove, Parsons, Robinson, Rogers, Salter, Smith of J. Terry, Walker of D. Weissinger and Welbourne.*

*Those who voted in the negative are, messrs Adams, Ambrister, Anderson, Barker, Belser, Bibb of M. Bonnell, Brown, Carthon, Coggin, Coopwood, Duke, Dupuy,*

*Darrett, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Lewis of m, Massey, Metcalf, Mobley, Parker, Penn, Pickens, Richardson, Sanders, Smith of L, Sykes, Townsend of P, Walker of m and Whitfield.*

Mr Parsons offered the following amendment to the first section:— Strike out all after the enacting clause to the 2d section, and insert the following: That all that part of the county of Monroe which is west of the river Alabama, and the west half of the centre line of township seven, eight, nine and ten, be added to, and compose a part of, the county of Clarke; which was carried .Yeas 31—Nays 29.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks Bibb of L, Bridges, Broadnax, Brown, Clark, Clough, Cole, Dale, Darrett, Edmondson, Fearn, Hill, Lea, Lewis of P, Lewis of m, Musgrove, Parsons, Pickens, Richardson, Robinson, Rogers, Salter, Sanders, Smith of J, Smith of L, Terry, Walker of D, Weissinger and Welbourne.*

*Those who voted in the negative are, messrs Adams, Ambrister, Anderson, Barker, Berser, Bibb of m, Bonnell, Cawthon, Colgin, Coombod, Duke, Dupuy, Flournoy, Foster, Gage, Harris, Hodges, Lane, Mardis, Metcalf, Mobley, McElderry, Parker, Penn, Sykes, Turner, Townsend of P, Walker of m and Whitfield.*

The bill was then ordered to a third reading on Monday next.

Mr Pickens made the following report: The committee on enrolled bills have examined, and find correctly enrolled, an act, originating in the Senate, entitled an act to amend an act entitled an act to incorporate the town of Tuscaloosa, &c. approved January 12, 1828.

Engrossed bills of the following titles, to wit: An act to authorize guardians to bring the slaves of their wards into this State without restriction; and an act to amend an act entitled an act to provide for keeping in repair a certain road therein mentioned, were severally read a third time and passed. *Ordered*, That their titles be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to emancipate a certain slave therein named, was read a second time and ordered to be engrossed for a third reading on Monday.

Engrossed bill from the Senate, entitled an act to prevent extortion by public officers and for other purposes, was read a second time and laid on the table, on Mr Mardis' motion.

A bill to be entitled an act for the relief of the purchasers of the 16th section in township one and range eleven, in Lauderdale county, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to authorize the judge and commissioners of St. Clair county, to levy a tax therein specified, was read a second time and *referred* to messrs Mardis, Massey and Banks.

A bill to be entitled an act to repeal in part, and to amend an act entitled an act to authorize John Smith, of Jefferson county, to emancipate a certain slave therein named, was read a second time. Mr Clark moved to amend the preamble by striking out the words 'from the negligence of the state printer;' which was carried. It was then ordered to be engrossed for a third reading on Monday next.

Engrossed bill from the Senate, entitled an act authorizing the liberation of certain slaves, was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

The additional rule proposed by mr Bibb of L. was laid on the table.

A bill to be entitled an act, explanatory of an act entitled an act to re-



duce into one the several acts concerning roads, bridges, ferries and highways, was read a second time. The question was then on the adoption of *mr* Clark's amendment to *mr* Walker's of D. amendment and lost. The question was then on the adoption of *mr* Walker's amendment and lost. Mr Fearn moved to amend the bill by adding thereto an additional section, no. 2: which was carried. Mr Bridges moved to amend the bill by adding thereto an additional section. Mr Flournoy moved that the bill, together with the proposed amendment, lie on the table; which was carried.

And then the house adjourned until this evening 3 o'clock.

*Evening Session 3 o'clock.*—The house met pursuant to adjournment.

The bill to be entitled an act to attach all of eighth township and ranges 17 and 18 to the county of Pike, and for other purposes, was read a second time and referred to a select committee, consisting of messrs Adams, Salter, Clough, Townsend of P. and Cook, to consider and report thereon.

Mr Lewis of F. moved that the *orders* of the day be dispensed with; which was carried.

Mr Lewis of F. called up the resolution in relation to the commercial relations of this state with all the other states in the union. Mr Lewis then moved to amend it by inserting after the word 'commercial' the words 'fiscal and political;' which was adopted. The resolution as amended was then adopted.

A bill to be entitled an act for the relief of Elijah Smith, tax collector of Franklin county, was read a second time and referred to a select committee, consisting of messrs Lewis of F. Hudson and Parsons, to consider and report thereon.

Engrossed bill from the Senate, entitled an act to authorize Zachariah Holly to emancipate certain slaves therein named, was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to regulate the proceedings in the courts of law in this state, was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

The bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein contained; Mr Cook moved that the bill lie on the table till the first day of August next; which was lost. Yeas 27—Nays 34.

*The yeas and nays being desired those who voted in the affirmative are, messrs Spraker, Belser, Bonnell, Bridges, Cawthon, Clough, Cook, Fearn, Flournoy, Gage, Harris, Lane, Lewis of m. Mardis, Mims, Mobley, McEliderry, Parsons, Penn, Perkins, Richardson, Robinson, Rogers, Salter, Tarver, Townsend of m. and Townsend of P.*

*Those who voted in the negative are, messrs Ambrister, Adams, Banks, Bibb of m. Broadbax, Brown, Clark, Cole, Colgan, Coopwood, Duke, Dupuy, Durrutt, Edmondson, Foster, George, Hill, Hodges, Lea, Lewis of F. Massey Metcalfe, Masgrove, Parker, Pickens, Sanders, Smith of J. Smith of L. Sykes, Terry Walker of m. Wallis Weissinger and Wetbourne.*

Mr Parsons then moved to strike out of the last section of the bill the word *June*, with a view to insert the word *January*; which was lost. Yeas 27—Nays 33.

*The yeas and nays being desired, those who voted in the affirmative are messrs Spraker, Belser, Cawthon, Clough, Cole, Cook, Fearn, Flournoy, Gage, Harris, Lane, Lewis of F. Lewis of m. Mardis, Mims, Mobley, McEliderry, Parsons, Penn, Perkins, Richardson, Robinson, Rogers, Salter, Tarver, Townsend of m. and Townsend of P.*

Those who voted in the negative are, messrs Adams, Arnbrister, Anderson, Banks, Barker, Bibb of m Broadnax, Brown, Clark, Colgin, Coopwood, Duke, Dupuy, Durrett, Edmondson, Foster, George, Hill, Hodges, Lea, Massey, Metcalfe, Musgrove, Parker, Pickens, Sanders, Smith of J. Smith of L. Sykes, Terry, Walk r of m. Wallis and Weissinger.

Mr Clark moved that the house concur in the report.

And then the house adjourned till Monday morning 10 o'clock.

Monday, January 5, 1829.

The house met pursuant to adjournment.

Mr George presented the petition of sundry inhabitants of Lauderdale county, praying the passage of a law to legitimate and change the name of a certain person therein named; which was read and referred to a select committee, consisting of messrs George, Smith of L. and Durrett, to consider and report thereon.

Mr Clark, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of authorizing the circuit courts to give final judgment against securities on bonds for writs of error from the county to the circuit court, *Reported* a bill to be entitled an act to give a more speedy remedy on certain bonds therein mentioned, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Parsons, from the committee on the state of the republic, to which was referred the memorial of the Senate and House of Representatives of the State of Alabama, in relation to the public land debtors, *reported* a substitute in lieu thereof. Mr Bibb of L. moved to strike out of the substitute the word *half* after the word *of*, and before the word *the*; which was carried. Mr Lewis of F. moved that the substitute, together with the original memorial, be recommitted to the committee that reported the memorial, to consider and report thereon.

Mr Mardis, from the select committee to which was referred the bill to be entitled an act to authorize the judge and commissioners of St. Clair county to levy a tax therein specified, *reported* a substitute in lieu thereof; which was adopted by the House. The bill was then ordered to be engrossed for a third reading to-morrow.

Monday, January 5, 1829.

Mr Lewis of F. made the following report: The committee to which was referred the bill for the relief of Elijah Smith, tax collector of Franklin county, have had the same under consideration, and have instructed me to report the same with the following amendments: Strike out all after the word *provided*, where it first occurs, and insert the following: The securities of Elijah Smith shall, within sixty days from the passage of this bill, file with the comptroller their consent, in writing, to the indulgence; and that their bond shall bind them: or provided further, that the said Elijah Smith file with the comptroller another bond, with an ample security, approved by the judge of the county court of Franklin county, for the payment of any deficiency which may be on settlement in accordance with the requisitions of this act. Mr Clark moved that the report lie on the table; which was carried.

Mr Lewis of m. from the select committee to which was referred the record and proceedings of the circuit court of Montgomery county, exercising chancery jurisdiction, pronounced at the March term of said court, 1827, in the case of Benjamin D. Hassell against his wife, Mary Hassell, for divorce, reported a bill to be entitled an act to divorce Benjamin D. Hassell, from his wife, Mary Hassell; which was read a first time, and the rule requiring bills and joint resolutions to be read on three seve-

tal days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

*Mr Lewis* of m. from the select committee to which was referred the record and proceedings of the circuit court of Madison county, exercising chancery jurisdiction, in the case of John Layman against Rebecca Layman for divorce, reported a bill to be entitled an act to divorce John Layman from his wife, Rebecca Layman; which was read; and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

*Mr Flournoy*, from the select committee to which was referred the petition of Simon Bowden, of the county of Pickens, praying to be permitted to emancipate a boy slave, named Peter, have had the same under consideration according to order, and instructed me to report a bill to be entitled an act to authorize Simon Bowden to emancipate a certain slave, named Peter; which was read; and the rule requiring bills to be read on three several days was dispensed with. It was then read a second time forthwith, and ordered to be engrossed and read a third time to-morrow.

*Mr Perkins* obtained leave to introduce a bill to be entitled an act for the relief of Henry T. Anthony; which was read and ordered to a second reading to-morrow.

On motion of *Mr Brown*, *Resolved*, That *Mr Thompson* be allowed a seat within the bar of this House, for the purpose of reporting the proceedings when *Mr Moody* shall have discontinued so to do.

On motion of *Mr Sanders*, *Resolved*, That the committee on schools, colleges and universities, and school and university lands, be instructed to take into consideration the propriety of having the school commissioners of each township in this State hereafter elected by the citizens of their respective townships, in lieu of having them appointed by the county court.

On motion of *Mr Walker* of D. *Resolved*, That the committee on county boundaries be instructed to report to this House a bill, having for its object the procurement of a suitable number of correct maps of this State for the use of the same.

*Mr Adams* offered the following resolution: *Resolved*, That, with the concurrence of the Senate, the General Assembly will adjourn *sine die* on the 15th instant. *Mr Brown* moved the resolution to lie on the table; which was carried. Yeas 36—Nays 26.

The yeas and nays being called those who voted in the affirmative are, messrs. Sinker, Anderson, Brinks, Bonnell, Brandon, Brown, Colgio, Dale, Duke, Durrett, Feann, Flournoy, Foster, Hill, Hodges, Lane, Lea, Lewis of F. Madis, Musgrove, McEliderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. and Whitfield.

Those who voted in the negative are, messrs. Adams, Ambrister, Barker, Belser, Bibb of L. Bibb of m. Bridges, Broadnax, Clark, Cawthon, Clough, Cook, Cook, Cropwood, Dapert, Edmundson, Harris, McCallie, Mims, Mobley, Robinson, Terry, Townsend of P. Walker of D. Wallis and Weissinger.

*Mr Marlis* obtained leave to introduce a bill to be entitled an act to appropriate and set apart the interest accruing to the State each and every year upon one hundred thousand dollars, funds of the university of Alabama, for the education of the extreme poor of the State, and for other purposes; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the committee on schools, colleges and universities, and school and university lands, to consider and report thereon.

The House then proceeded to the orders of the day.

The House resumed the consideration of the resolution proposing that the cashier of the Bank of the State of Alabama be required to report to this House, what amount is due the Bank from the citizens of each county in this State on general accommodation. Mr Mardis moved that the resolution lie on the table; which was lost. Mr Barton's amendment being under consideration, the House adjourned till three o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

A message was received from the Governor, by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT. Tuscaloosa, January 5, 1829.

*The Hon. the Speaker and Members of the House of Representatives:*

Gentlemen—I have the honor to communicate to you a letter this moment received from Eli Shortridge, Esq. in regard to the office of Judge of the third judicial circuit, which he lately held under an executive appointment made during the recess of the General Assembly. The appointment would have continued to the end of the present session of your honorable body had not the resignation been received. I beg leave to suggest that the public service, connected with the present session of the supreme court, will require your immediate attention to this subject. I have the honor to be, most respectfully, your ob't serv't.

JOHN MURPHY.

Mr Flournoy moved that the message, with the accompanying documents, lie upon the table; which was carried.

A communication was received from James I. Thornton, Secretary of State, which is as follows:

*Secretary of State's Office, January 5, 1829.*

*The Hon. the Speaker and Members of the House of Representatives:*

In obedience to the act of the General Assembly at the last session, entitled an act to authorize and require the secretary of state to procure and distribute to each county in this state one set of weights and measures, I have the honor to state that the General Assembly did not make any appropriation to carry the law into effect; but notwithstanding at sundry times I made inquiries of those from whom I thought it probable to derive the best information relative to the subject, and satisfied myself that I could not make a contract either here or in New-York upon a credit, without a great disadvantage to the state. Through the kindness of A. P. Baldwin, Esq. of this place, whom I requested to procure an estimate of the cost of the standard from the manufactories of New-York, a copy of whose communication I herewith enclose. I am enabled to state to your honorable body that the lowest estimate furnished him was \$3000, to be delivered there. I make this report that your honorable body may be better able to adopt such measures in the premises best calculated to effect the object of the law. I have the honor to be, with great respect, your ob't serv't.

JAMES I. THORNTON.

Mr Bibb of L. moved that the communication be referred to the committee on ways and means, with instructions to report a bill; which was lost. Mr Coopwood then moved that it lie on the table; which was carried.

The House again resumed the consideration of Mr Barton's amendment to the resolution proposing that the cashier of the Bank of the State of Alabama be required to report to this House what amount is due the bank from the citizens of each county in this State on general accommodation, &c. Mr Clark moved to amend Mr Barton's amendment by inserting after the word *the*, before the word *joint*, these words: President and directors of the Bank of the State of Alabama, without delay, report to *the*. Amend the amendment at the end by inserting the words 'who shall, in like manner, report to both Houses.' By striking out the words amend the resolution 'that the cashier of the bank of the State of Alabama be required to report to this House. The amendment as amend-

ed was then adopted. Mr Coopwood moved to lay the resolution on the table; which was lost. Mr Parsons moved to strike out the following words: 'And what amount on bills of exchange, and whether any bill of exchange;' which was carried. Mr Parsons moved to strike out the following: 'And what amount has been offered for during the same period,' with a view to insert the following: The aggregate amounts offered for by the citizens of each county of this State; which was carried. The resolution as amended was then adopted.

The bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein contained being under consideration: Mr Flournoy offered the following: To recommit the bill, with the amendments, to the last committee who reported it, with instructions to report a bill to authorize justices of the peace to enter fines without a jury, not exceeding fifty dollars, against persons guilty of assaults, batteries, affrays, riots, routs and unlawful assemblies, securing to the defendants the right of removing the prosecution by appeal or certiorari into the courts of record, there to be tried *de novo* by a jury; also, authorizing justices to take bonds for the good behavior and to keep the peace, without making the same returnable to court; which was lost. Yeas 5—Nays 59.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barker, Flournoy, Lane, Penn and Parver.

Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Anderson, Banks, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Cowthon, Clough, Cole, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Foster, Gage, George, Harris, Hill, Hodges, Lawler, Lea, Lewis of F. Mardis, Massey, Metcalfe, Mobley, Musgrove, McElderry, Parker, Parsons, Pickens, Robinson, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Terry, Townsend of P. Walker of D. Wallis, Weissinger, Welbourne and Whitfield.

Mr Mobley offered the following amendment by way of proviso: *Provided*, That this act shall not extend to the counties of Mobile, Washington, Clark, Monroe, Conecuh, Covington, Henry, Pike, Butler, Pickens, Shelby, Montgomery, Wilcox, Dale and Madison; which was lost. Yeas 30—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Belser, Barker, Bonnell, Brandon, Bridges, Cowthon, Clough, Cook, Dale, Fearn, Flournoy, Foster, Gage, Harris, Lane, Lawler, Mims, Mardis, Mobley, Parsons, Penn, Pickens, Robinson, Richardson, Salter, Tarver, Townsend of P. Townsend of M. and Walker of D.

Those who voted in the negative are, messrs Adams, Ambrister, Anderson, Banks, Bibb of L. Bibb of M. Broadnax, Brown, Clark, Cole, Colgin, Coopwood, Duke, Dupuy, Durrett, Edmondson, George, Hill, Hodges, Lea, Lewis of F. Massey, Metcalfe, Musgrove, McElderry, Parker, Rogers, Sanders, Smith of L. Smith of J. Sykes, Terry, Wallis, Weissinger, Welbourne, and Whitfield.

Mr Walker of D. moved that the bill lie on the table until the first Monday in March next; which was carried. Yeas 38—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Anderson, Banks, Belser, Bonnell, Brandon, Cowthon, Clough, Cole, Colgin, Cook, Dale, Fearn, Flournoy, Foster, Gage, Harris, Lane, Lawler, Lewis of F. Mardis, Mims, Mobley, McElderry, Parsons, Penn, Richardson, Robinson, Rogers, Salter, Sykes, Tarver, Townsend of M. Townsend of P. Walker of D. Weissinger and Whitfield.

Those who voted in the negative are, messrs Ambrister, Barker, Bibb of L. Bibb of M. Broadnax, Brown, Clark, Coopwood, Duke, Dupuy, Durrett, Edmondson, George, Hill, Hodges, Lea, Massey, Metcalf, Musgrove, Parker, Pickens, Sanders, Smith of J. Smith of L. Terry, Wallis and Welbourne.

Mr Clarke then moved that the bill, together with the proposed amendment, be spread on the journals of this house.

The motion being then pending, the house adjourned until to-morrow morning 10 o'clock.

*Tuesday, January 6, 1829.*

The house met pursuant to adjournment.

Mr Bibb of L. presented the account of the late sheriff of Limestone county; which was read and *referred* to the committee on accounts to consider and report thereon.

Mr Cook from the committee on ways and means to which was *referred* a resolution instructing them to inquire into the expediency of reducing the taxes, *Reported* that it is inexpedient to legislate on that subject at this time. In which report the house concurred.

Mr Cook from the committee on ways and means to whom was *referred*, a resolution instructing them to inquire into the expediency of providing by law for the payment of commissioners of roads and revenue while in the service of the county, *Reported* that it is inexpedient to legislate on that subject. In which report the house concurred.

Mr Tarver, from the committee on accounts to which was *referred* the account of Joseph Bates and T. L. Toulmin, administrators of James P. Bates, deceased, *Reported*, that your committee ask leave to be discharged from the further consideration of the following charges in said account: \$5 60, for sustenance of Henry Loyd, committed to jail as a witness in a state case; \$50 for sustenance of William Thomas, committed to jail as a runaway; \$60 for expenses in pursuit of Rachael; and recommend that those items in said account, be *referred* to the committee on propositions and grievances. The committee on accounts was then discharged from the further consideration of the account. It was then *referred* to the committee on propositions and grievances, to consider and report thereon.

Mr Colgin from the committee on roads, bridges and ferries, to which was *referred* a petition of sundry citizens of Bibb county, praying that the road as laid out by said commissioners therein named, be changed so far as from Shelby county line, to where it intersected the old road, nine miles and a half, and counter petitions on the same, reported that said petitions ought not to be granted; and beg leave to be discharged from the further consideration thereof. Mr Clark moved that the report lie on the table; which was carried.

Mr Colgin from the committee on roads, bridges and ferries, to which was *referred* the petition of William F. Warr, praying the passage of a law authorizing him to establish a ferry on the Alabama river, *Reported* a bill to be entitled an act to establish a ferry at Gainstown in the county of Monroe and for other purposes; which was read a first time and *ordered* to be read a second on to-morrow.

Mr Pickens made the following report: the committee on enrolled bills have examined and find correctly enrolled, bills originating in this house, of the following titles, to wit: an act to emancipate certain slaves therein named; an act to reduce into one the several acts giving fees to justices of the peace and constables, and for other purposes.

Mr Colgin, from the committee on roads, bridges and ferries, to whom was *referred* the petition of sundry citizens of Jefferson county to discontinue the state road, leading from Joseph D. Harrison's, to Esq. Neal's in Canawha Valley, reported that it is inexpedient to legislate on the same; in which report the house concurred.

Mr Coopwood from the committee on the state capitol, to which was *referred* a resolution instructing them to inquire into the expediency of passing a law making it the duty of the commissioners appointed to superintend the erection of the state capitol, to report the progress of the work to the general assembly the first week of every session until completed. *Reported* a bill to be entitled an act prescribing the duties of the commissioners appointed to superintend the erection of the state capitol; which was read and *ordered* to a second reading on to-morrow.

Mr Colgin from the committee on roads, bridges and ferries, to which was *referred* the petition of sundry citizens of Shelby county, asking the appointment of commissioners to mark and lay out a road leading from the town of Columbia in Shelby county, through the Creek nation to the falls of Chatahoche, *Reported* that it is inexpedient to legislate on that subject at this time. Mr Mardis moved that the report lie on the table; which was carried.

Mr Mardis from the select committee to which was *referred* the petition of sundry citizens of Shelby county, praying the passage of a law authorizing the judge of the county court of Shelby county, and the commissioners of roads, and revenue to levy a special tax for the purpose of completing the public buildings in said county, *Reported* that the objects of the petition is embraced in a bill now in progress before the house, and ask leave to be discharged from the further consideration thereof; which was granted.

A message from the Senate, by Mr Lyon: Mr Speaker, the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to change the mode of printing and distributing the acts and journals of the general Assembly and for other purposes, and have amended said amendments in the manner herewith shewn; in which they desire your concurrence. They have passed a bill which originated in their house, entitled an act to extend the laws of Alabama over the territory acquired by the treaty of the Indian Spring; in which they desire your concurrence.

*Ordered* that the house concur in the several amendments made by the Senate, to the several amendments made by the house to the bill entitled an act to increase the salary of the state printer.

Engrossed bill from the Senate entitled an act to extend the laws of Alabama over the territory acquired by the treaty of Indian springs, was read; and the rule requiring bills and joint resolutions to be read on 3 several days being dispensed with, it was then read a second time forthwith and *referred* to the committee on the state of the republic.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate disagree to the amendment made by your Hon. body to the 1st section of the bill entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, by striking out 'Courtland' and inserting the words 'such place as shall be designated by joint vote of both houses of the general assembly.' They concur in the amendments made by your Hon. body to the second section of the bill marked B and E. They concur in the 1st amendment made by the House of Representatives to the 4th section of the bill by striking out 'nine,' and inserting *twelve*, as the number of commissioners to be appointed to examine and class the lands. They disagree to the amendment made by the house to the 4th section of the bill by adding after the word *commissioners*, the words 'none of whom shall be entitled to pre-emptive privileges by virtue of the provisions of this act,' and which is marked with the letter F. They concur in the remainder of the amendments made by

your Hon. body to the 4th section of the bill. They disagree to the amendment made by the House of Representatives to the 5th section of the bill by striking out the words 'that the lands of the 1st class shall, by said commissioners, be valued at from six dollars to ten dollars per acre according to the locality or other cause of value, lands of the second class from four dollars to six dollars per acre; and lands of the third class shall be valued from the minimum price of said lands to three dollars per acre; and if the said commissioners shall be of opinion that any of the said lands being of the first class and contiguous to the canal or a town, or from other local causes shall be worth more than ten dollars per acre, they shall assess what they esteem its true value, and the price they fix upon them shall be the price at which they are to sell'—and by inserting in lieu thereof the words 'that the said lands shall be divided according to value, into four classes, the first class of which shall be valued at not less than eight dollars per acre, lands of the second class at not less than five dollars; lands of the third class at not less than three dollars; and lands of the fourth class at not less than the minimum price per acre; but the said commissioners shall assess the true value of each particular half quarter section or other legal subdivision of said land, which shall be the price at which they shall respectively sell.' They have amended the amendment made by your Hon. body to the end of the fifth section of the bill and marked K by striking out all of said amendment after the word *respectively*, in the first line, and inserting the following: 'will not directly or indirectly purchase any of said lands except the pre-emption right given to them, and that they will not, in any manner, be concerned in fixing the value upon their own pre-emption;' in which they desire your concurrence. They disagree to the amendment made by your Hon. body to the seventh section of the bill, by striking out the words 'three newspapers published in said counties' and inserting the words 'in all the newspapers of North Alabama, Tuscaloosa, the Selma Courier, Alabama Journal, Mobile Commercial Register, the Claiborne Whig, and one of Nashville, Tennessee.' They disagree to the amendment made by the house to the first line of the ninth section of the bill, by inserting the word 'white' after 'free,' and which is marked with the letter L. They concur in all the other amendments made by the house to the ninth section of the bill with the exception of the words 'cultivated by occupants or holding under him, her, or them;' attached to the proviso added to the end of said section, and marked with a cross, to which said words they disagree. They disagree to the amendment made by the house to the tenth section of the bill, by striking from the seventh line thereof the words *close' and*. They also disagree to the amendments made by the house to the tenth section, by adding the words 'of equal or inferior value,' and which are marked with the letters R and S. They concur in the amendment added to the end of the tenth section of the bill after the word *commissioners*, and marked thus, [ ]. They concur in the amendment made by the house by striking out all after the word *same* in the seventh line of the twelfth section to the word *and* in the eleventh line, and have amended the same so as to make the amendment read thus: 'and all applicants shall file with the Register his or her affidavit, to be preserved by the Register setting forth that the land applied for is for his or her own use and not for the purpose of speculation or for the use of another;' in which amendment they ask your concurrence. They concur in the amendment made by the house to the bill by adding a proviso to the end of the 12th section thereof, marked with the letter F. They concur in the several



amendments made by the House of Representatives to the 13th section of the bill. They disagree to the amendment made by the house to the bill by adding the 14th section, marked with the letter V. They disagree to the amendment made by the house to the 24th line of the 14th section of the bill, by striking out the word *payment*, and inserting in lieu thereof the word *instalment*. They concur in the several amendments made by the House of Representatives to the fifteenth section of the bill. The Senate have amended the amendment made by the house to the sixteenth section of the bill, by striking out all after the word *lands*, and inserting the following: 'and the register has received therefor, it shall be the duty of the register to forward a duplicate receipt of such final payment to the Governor of the state; whereupon the Governor shall issue a patent for the said lands under the seal of the state, and forward the said patent to the register; and such patent shall vest in the patentee or patentees, a valid and fee simple title to the lands so patented; and it shall be the duty of the register to require the patentee or patentees to surrender the receipt for final payment, on the delivery of the patent for any land; and such receipt for final payment, shall be filed by the register in his office as a voucher;' in which amendment they desire your concurrence. They concur in the amendment made by the house by adding the 17th section to the bill marked letter S, and have amended the same by adding thereto the following proviso: 'provided, that if the person or persons in possession shall have planted a crop on said land, he, she or they shall be allowed a reasonable time to gather the same;' in which they ask your concurrence. They concur in the remainder of the amendments made by your hon. body to the 17th section of the bill. They concur in the several amendments made by the house to the 18th section of the bill. They concur in the several amendments made by the house to the 19th section of the bill. They also concur in the amendments made by the house to the 21st section of the bill. They disagree to the amendment made by the house, by adding an additional section to the bill, providing that no member of the present general assembly shall be eligible to the appointment of register, receiver or commissioner created by certain provisions of the bill. They concur in the amendment made by the house to the bill by adding thereto the last section.

*Mr Parsons* moved that the message, and the bill accompanying the same, lie on the table till to-morrow; which was carried.

*Mr Coopwood* offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of authorizing, by law, the president and directors of the bank of the State of Alabama to appoint an agent, whenever they may conceive it necessary, for the purpose of collecting bills, and attending to any and all business the bank may have in the city of Mobile; and that the same committee be instructed to inquire into the expediency of authorizing his excellency the Governor, comptroller, treasurer and president of the bank, appointed by an act of the last session of the General Assembly, to issue certificates of stock of the State of Alabama, and sell the same at par if practicable; to appoint an agent in the city of New York, before whom the state stock, created by the authority aforesaid, may be legally transferred. *Mr Lewis* of m. moved that it lie on the table until to-morrow; which was carried.

On motion of *Mr Bibb* of L. *Resolve* 1, That the committee on accounts be instructed to inquire into the expediency of providing a law for the settlement and payment, under proper rules and restrictions, of the ac-

counts of sheriffs, jailers and other officers of State, by the Comptroller; with leave to report by bill or otherwise.

*Mr Lewis of F.* obtained leave to introduce a bill to be entitled an act the more effectually to prevent the profanation of the Sabbath by the loading and unloading of boats and other water craft, at the port of South Florence, in the county of Franklin; which was read and ordered to a second reading to-morrow.

*Mr Musgrove* obtained leave to introduce a bill to be entitled an act to authorize the turnpiking of a certain road therein mentioned; which was read and ordered to a second reading to-morrow.

On motion of *Mr Parker*, *Resolved*, That the military committee be instructed to inquire into the expediency of so altering and amending the militia law of this State, so as to appoint by law the times of holding regimental and battalion musters; also, of holding four company musters in each and every year, with leave to report by bill or otherwise.

*Mr Flournoy* obtained leave to introduce a bill to be entitled an act to authorize William Johnson, senr. to grant titles to purchasers of lots in the town of Pickens; which was read and ordered to a second reading to-morrow.

*Mr Lewis of F.* called up the report of the select committee to which was referred the bill to be entitled an act for the relief of Elijah Smith, tax collector of Franklin county. *Mr Clark* offered the following amendment: 'Amend the report of the select committee by striking out the word *bill* where it occurs in the proposed amendment, and insert in lieu thereof the word *act*;' which was carried. *Mr Clark* offered the following: Amend the proposed amendment of the committee further, after the word *security*, where it occurs in the report, by the following: 'Payable to the Governor of the State of Alabama and his successors in office, in the sum of three thousand dollars;' which was carried. *Mr Clark* offered the following: Amend the proposed amendment by striking out the words 'on settlement in accordance with the requisitions of this act,' and insert in lieu thereof the words 'due to the State of Alabama from him, as such tax collector of Franklin county; which last mentioned bond shall be filed by said Smith with the comptroller, in sixty days after the passage of this act;' which was carried. The amendments as amended was then concurred in by the House. The bill was then ordered to be engrossed for a third reading on to-morrow.

*Mr Bibb of L.* called up the bill to be entitled an act to repeal an act entitled an act to increase the capital of the bank of the State of Alabama, approved January 12, 1828. It was then placed amongst the orders of the day.

*Mr Bridges* offered the following resolution: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of appropriating a portion of the three per cent. fund, to be applied to the improvement of a part of the state road, leading from Tuscaloosa to Mobile, and from Greensborough to Pensacola, and that they report by bill or otherwise. *Mr Clark* offered the following amendment: And from Huntsville to Cahawba, and from Montevallo to Greensborough; also, from Tuscaloosa to Montevallo; from Cahawba to Montgomery; from Montgomery to Pike court house, and from there to Fort Gaines. *Mr Belser* moved that the resolution lie on the table till the first day of March next; which was carried.

*Mr Barker* obtained leave to introduce a bill to be entitled an act to authorize James Taylor to keep in repair a bridge by him built across

Wills' creek, in St. Clair county; which was read and ordered to a second reading on to-morrow

The House resumed the consideration of *M. Clark's* motion to spread on the journals of this House the amendments proposed by the select committee to the bill to be entitled an act in relation to riots, routs, assaults and batteries, affrays and breaches of the peace. *Mr Walker* of D. moved to amend the motion by spreading the original bill also; which was carried. The question was then on spreading the bill, with the amendments, on the journals, and carried. Yeas 40—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Anderson, Banks, Belser, Bibb of L. Bonnell, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Flournoy, Foster, Gage, George, Hill, Hodges, Lawler, Lea, Lewis of F. Metcalfe, Musgrove, Parker, Parsons, Perkins, Robinson Saunders, Smith of L. Walker of D. Weissinger and Welbourne

Those who voted in the negative are, messrs Ambrister, Barker, Bibb of M. Broadnax, Cook, Fearn, Harris, Lane, Mardis, Mims, Mobley, McElderry, Penn, Pickens, Richardson, Rogers, Satter Smith of J. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Wallis and Whitfield.

A bill to be entitled An act in relation to riots, routs, assaults and batteries, affrays and breaches of the peace.—Whereas, much expense accrues to the public, unnecessary and vexatious to many of its citizens, by prosecutions in the circuit courts for riots, routs, assaults and batteries, affrays and breaches of the peace, which are of a light or trivial character; and from the burthen of costs and the time spent in attending on court in defence, the punishment inflicted in small offences becomes much greater than is just; for remedy whereof,

Sec. 1. Be it enacted by the Senate and House of Representatives of the the State of Alabama in General Assembly convened, That whenever any riot, rout, assault and battery, or other breach of the peace, shall be committed in any county of this state, it shall be lawful for any person, not being a slave, upon affidavit of the offence, to obtain a warrant from any justice of the peace in the county where the offence was committed, to apprehend and arrest the offender or offenders, to bring him or them before that justice or some other of the same county, on a day and at a place named in the warrant; and in the same warrant he shall command that the officer executing the same, summon five good and lawful men as jurors, to hear and determine upon the offence alleged; which may be made returnable either forthwith or upon some subsequent day, as the justice in his discretion shall direct; which warrant may be directed to any constable of the county, or if one be not convenient, then to the sheriff or coroner; and it shall be the duty of the officer into whose hands the warrant shall be placed, to forthwith or as soon as may be, arrest the person or persons offending, and immediately thereafter to execute the remainder of the warrant by summoning the jury aforesaid, to appear at the time and place named in the warrant, and shall return upon the back thereof, the arrest and the name of the jurors by him summoned to the justice before whom the same is properly returnable: provided, always, that the party arrested may give bail in the ordinary manner, to appear at the time and place of trial and to remain until legally discharged; and the officer shall return with the warrant to the justice on the return day the bail bond aforesaid, and by him to be filed, and if the def't or def'ts fail to appear it shall be the duty of the justice to transmit the papers, including the bond, to the clerk of the circuit court for the county; which bond shall be as valid to all intents and purposes as if taken under a *capias* issuing from said clerk of the court, and upon which the same process may issue, and in all respects the same proceedings be had, as though the prosecution had commenced in said court. And if it shall appear that the offender or offenders cannot be arrested on or before the return day of the warrant, it shall be the duty of the justice to issue other warrants for the apprehension of the offenders until the expiration of six months after the commission of the offence.

Sec. 2. And be it further enacted, That when the offender or offenders shall be arrested and appear as is required, that the justice before whom the warrant shall be returned shall proceed to swear the said five jurors summoned as aforesaid, (should they all appear, and if not to cause to be summoned of the bystanders or neighbors enough to make up the deficiency,) that they shall well and truly try and determine upon the offence alleged against the defendant or defendants, and a true verdict given according to evidence: and said jury after hearing the evidence shall determine whether the defendant or defendants are guilty, and if guilty what fine should be assessed against the defendant

or defendants for the offence committed, and hand over their verdict to the justice, who shall make a minute of the same upon his docket, and award a judgment for the amount assessed; and if the jury shall find a verdict for the defendant or defendants the justice shall enter up a judgment against the prosecutor for the cost of prosecution sustained by the defence and issue execution therefor; unless the prosecution shall have been commenced by some officer upon his own view, whose duty it is to be a conservator of the peace. And in cases of all fines assessed, the justice shall immediately issue a *capias ad satisfaciendum* against the defendant or defendants, and it shall be the duty of the officer to immediately imprison in the common jail of the county the defendants in said execution, unless they discharge themselves by the payment of the fine assessed and cost. But should the defendant not be able to discharge the *capias ad satisfaciendum* but goes to prison, he shall remain no longer in prison than one day for two dollars of the fine assessed; and when he shall by being long enough imprisoned to discharge the fine at this rate, he may for that offence afterwards go at large, but shall not be released from the costs, and for which an execution of *fiat facias* may issue: provided, always, that no jury summoned under the provisions of this act shall assess a fine or a higher or greater sum than twenty dollars, and it shall be so happen, but after the jury shall have heard the evidence, they believe the transgression or offence heinous and the punishment should and ought to be greater than what by this act is limited, they shall return a verdict that the defendant is guilty, and certify on the back of the warrant that they believe they have not power to sufficiently punish him or them. Whereupon it shall be the duty of the justice to forthwith commit the offender to prison, or to recognize him to appear at the circuit court to answer to the charges then and there alleged against him, as in other cases for like offences under existing laws.

Sec. 3. Be it further enacted, That during the progress of any trial under this act the justice shall preside, decide on all points of law, preserve order, administer all necessary oaths, and for contempt punish the same fine as in all other cases heretofore, and upon defaulting jurors such in case as to his discretion may be right, not exceeding five dollars; and may grant one continuance to a further day on any one ground, but not any other. And be it further enacted, that prosecutions in the circuit courts for the offences enumerated by this act shall only be brought and instituted as heretofore, upon this condition, that the prosecutor be liable in every instance to pay treble cost to the defendant, unless there shall be a finding and assessment of the jury trying the case, over the sum of twenty dollars against the party accused; provided this section shall not apply so as to subject any prosecutor to any further cost than is now allowed by law, should the case be brought before the circuit court, under the provision of the second section of this act.

Sec. 4. Be it further enacted, That for summoning a jury under this act the constable shall receive the sum of one dollar and twenty-five cents, and for all other services the magistrate and constable shall receive the same fees as are now allowed by law for similar services, and all cost are to be taxed and collected as heretofore. This act shall be in force from and after the first day of June next.

The following is a copy of the amendments reported by the committee:

That, whenever any assault, assault and battery, or affray shall be committed, it shall be lawful for any free white person, upon a affidavit of the offence, to obtain a warrant from any justice of the peace in the county where the offence was committed, directed to the sheriff or any constable of said county, to apprehend and arrest the offender or offenders, and to bring him, her or them before said justice or some other justice of the peace for said county, on a day and at a place therein named, and to summon several freeholders, or householders as jurors to try said offence.

Sec. 2. Be it further enacted, That it shall be the duty of the officer in whose hands the warrant shall be placed, forthwith to arrest the person or persons offending and immediately thereafter to execute the remainder of the warrant by summoning the jury aforesaid to appear at the time and place therein named, and endorse thereon his return of the arrest and services, and names of the jurors summoned to the justice presiding for the trial of said cause.

Sec. 3. Be it further enacted, That when the defendant or defendants are arrested, he, she or they shall go to prison until the day of trial unless he, she or they enter into a recognizance to be taken by the officer making the arrest, with one or more security or securities, in such sum as the justice may have endorsed on the warrant, who is hereby required to make said endorsement conditioned to appear at the time and place of trial, and there to remain until legally discharged, which recognizance shall be returned with the warrant to the justice, and if the defendant or defendants fail to appear, it shall be the duty of the justice to return the papers, including the recognizance, to the clerk

of the circuit court for said county on or before the first day of the next term thereof, unless a writ of habeas corpus shall be granted by said court, and writ or writs of *certiorari* as issued against said defendant or defendants, and his or their security or securities, and final judgment rendered thereon in the same manner as if the said recognizance had been taken and acknowledged in said circuit court. And if the defendant or defendants cannot be arrested on or before the return day of the warrant, it shall be the duty of the justice to issue other warrant or warrants for the apprehension of the said defendant or defendants in the space of six months, unless the offender or offenders be arrested before that time.

Sec. 4. Be it further enacted, That if the offender or offenders appear at the time and place for trial the justice presiding shall cause the officer to empanel the said seven freeholders or non-jurors, if they appear; if not, to supply the place or places of those who are absent from the bystanders or neighbors, (being freeholders or householders) and when empanelled the said justice shall administer an oath to said jury, well and truly to try the charge against the defendant or defendants, and a true verdict give according to the evidence and said jury, after hearing the evidence, shall render a verdict of guilty or not guilty, and if guilty assess a fine or fines against the defendant or defendants and return their verdict thereof to the justice, who shall render a judgment therefor, with all costs of said prosecution, and immediately issue a *certiorari* *pro fine* directed to the sheriff or any constable for said county, requiring him to take said defendant or defendants and him, her or them safely keep until he, she or they pay the fine or fines respectively adjudged against him, her or them and all costs of said prosecution, unless the said defendant or defendants elect to go to prison, and there remain one day for every two dollars of the fine assessed; in which case the said officer shall convey said prisoner or prisoners to the jail of the county and surrender him, her or them to the keeper thereof, who shall forthwith commit said offender or offenders to said jail, there to be confined one day for every two dollars of said fine, at the expiration of which time of confinement, the said prisoner or prisoners shall be set at liberty, and the keeper of said jail shall certify to the justice that said fine is satisfied by the imprisonment of the defendant such number of days as the case shall have required; whereupon the justice shall be authorized to issue a writ of *fieri facias* for the costs of said prosecution, including the jailer's fees, against said defendant or defendants.

Sec. 5. Be it further enacted, That, if the jury aforesaid find the defendant or defendants not guilty, they shall also certify to the justice whether they are of opinion that the prosecution was frivolous, unfounded or malicious, or whether there was cause for the institution of said prosecution; and if the jury certify either that the prosecution was frivolous, unfounded or malicious, the justice shall enter up a judgment against the prosecutor for all costs of the prosecution, unless commenced by a peace officer on his own view. But if the jury certify that there was cause for the institution of said prosecution, or the prosecution be commenced by a peace officer as aforesaid, the prosecutor shall not be taxed with the costs, but the same shall be considered as *ex officio* services, for which no fees or fees shall be paid, had or received.

Sec. 6. Be it further enacted, That, if the jury aforesaid, after having heard the evidence are of opinion that the defendant or defendants are guilty and ought to be fined in a greater sum than twenty dollars, they shall return to the justice that they have inquired into said charge, and are of opinion that the defendant or defendants ought to be tried in the circuit court therefor; whereupon the justice shall forthwith recognize the offender or offenders to appear at the next circuit court for said county, in such sum as to said justice may seem proper, with one or more securities in a like sum, to answer to said charge in said circuit court, and the warrant, the finding of the jury, recognizance and all other proceedings had before said justice relative to said cause, shall be returned by said justice to said circuit court, on which the attorney general or solicitor (as the case may be) shall prefer an indictment to the grand jury, and proceed thereon in the same manner as if the prosecution had been commenced originally therein as at common law; but if the defendant or defendants fail to enter into recognizance in manner and form as by this section required, the justice shall forthwith commit the said offender or offenders to prison, there to await his, her or their trial in said circuit court in the manner in this section prescribed.

Sec. 7. Be it further enacted, That it shall be the duty of the justice to issue all subpoenas and other process which may be required by this act, take all recognizances which may be necessary and proper, as well of officers as of prosecutors and witnesses, as well for their appearance at the circuit court as for their appearance on any trial or adjourned trial to be held before the said justice, any of which recognizances being perfected, shall be proceeded upon in the manner prescribed in the third section of this act. He shall also preside on the trial of said cause, decide points of law, preserve order, ad-

minister all necessary oaths, punish contempts, and inflict such fine on any defaulting juror, not exceeding three dollars, as his discretion may dictate.

Sec. 8. Be it further enacted, That the prosecutor or defendant or defendants, when they appear before said justice, if any or either of them be not ready for trial, the said case may be continued to another day: Provided the said applicant to continue make affidavit of the absence of a material witness, and the evidence he expects to prove by him, and that the applicant cannot prove the same facts by any witness in attendance, and does not apply to continue for the purpose of vexing or harassing the other party or parties: Provided also, that said cause shall be continued but once. And if the said trial be postponed before said justice, he shall recognize the defendant or defendants to appear at said adjourned trial; also, the prosecutor and witnesses in attendance, and discharge the jury, and issue a venire facias directing the officer to summon seven other freeholders or householders, neither of whom shall have been of the first jury.

Sec. 9. Be it further enacted: that prosecutions for offences enumerated by this act may be brought as heretofore in the Circuit Court: provided that in every prosecution brought in said Court, if the grand jury fail to find a *true bill*, or the traverse jury find the defendant or defendants not guilty or assess a fine not exceeding twenty dollars, the Court shall tax the prosecutor with double costs, including the costs of prosecution and the costs which the defendant or defendants have expended; except in cases commenced under this act, wherein no prosecutor shall pay costs if the case be brought to the circuit court by virtue of the preceding section of this act.

Sec. 10. Be it further enacted that any defendant or defendants, found guilty by the jury trying said charge before said justice, and fined in a sum not exceeding twenty dollars, in manner and form prescribed by this act, being dissatisfied with the finding of said jury, may immediately after the rendition of judgment thereon, pray for and be allowed an appeal from said judgment to the next circuit court to be holden for said county upon entering into a recognizance, payable to the Governor of the state of Alabama for the time being and his successors in office in the sum of one hundred dollars, with one or more good securities in a like sum; to be void on condition that the said defendant or defendants personally appear at the next term of the circuit court to be holden for said county; and there continue from day to day, and from term to term of said court, to answer to such indictment as may then and there be found against him or them for said offence, and also for the payment of such fine and costs as shall be found and adjudged against him, her, or them for said offence, and if the defendant or defendants fail to appear at the said circuit court, and answer at the time and in the manner prescribed in the condition of said recognizance, the same shall be estreated, and writ or writs of scire facias issue against said defendant or defendants and his or their security or securities, and final judgment rendered thereon in the same manner as is prescribed in the third section of this act.

Sec. 11. Be it further enacted, that if the defendant or defendants appealing appear in discharge of his or their recognizance, he, she or they shall be indicted and tried in the same manner as if the prosecution had been originally commenced in said circuit court, and if found guilty by the jury trying said charge in said court, the court shall enter judgment against said defendant or defendants and his or their security or securities for said fine and costs, on which judgment an execution of fieri facias or capias pro fine may issue at the election of the county treasurer: provided, that said circuit court shall have as heretofore discretionary power to superadd imprisonment by way of punishment, to the finding of the jury under this section of the act, but not for the nonpayment of the fine.

Sec. 12. Be it further enacted, that hereafter in all cases tried before a justice, under the provisions of this act, the same is hereby declared not to be an indictable offence at the common law or triable in the circuit court, unless the defendant or defendants appeal from the judgment of the justice of the peace.

Sec. 13. Be it further enacted, that no assault and battery or affray shall be triable by a justice of the peace and jury under the provisions of this act, where any person or persons may commit either of said offences by stabbing another with any knife, duck sword, spear or dagger, or where the persons in contact inflict mutual injury on each other by the use of any of said weapons, but the same shall be triable as heretofore.

Sec. 14. Be it further enacted, that on summoning any jury under the provisions of this act the officer shall receive the sum of one dollar and seventy-five cents, and for the other services of the justice and officer they shall receive the fees which are or may be allowed by law for like services; and the witnesses shall be allowed fifty cents each per day for their attendance before the justice, to be taxed and allowed in the bill of cost, if the defendant or defendants be found guilty, if not, they shall not be entitled to any compensation for their attendance.

Sec. 15. And be it further enacted, this act shall be in force from and after the first day of June next.

And then the House adjourned till this evening, 3 o'clock.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment. Mr Coopwood moved that the orders of the day be dispensed with for the present; which was carried.

Mr Coopwood, from the select committee to which was referred the record and proceedings of the circuit court of Lawrence county, exercising chancery jurisdiction in the case of Margaret Trimble vs. Rob't C. Trimble for divorce, reported a bill to be entitled an act to divorce Margaret Trimble from her husband Rob't C. Trimble; which was read and ordered to a second reading to-morrow.

The House again resumed to the orders of the day.

A bill to be entitled an act to incorporate the Mobile marine railway and insurance company, was read a second time. Mr Terry offered the following proviso, to come in at the end of the 16th section: *Provided*, that nothing in this act contained shall be so construed as to deny to the General Assembly the right at any time to alter, amend or repeal the same; which was adopted. Mr Coopwood moved to amend the bill by adding thereto an additional section, No 17, which was carried. The bill was then ordered to be engrossed for a third reading to-morrow.

A message was received from the Governor, by Matt. Gayle, Esq. which is as follows:

EXECUTIVE DEPARTMENT. *Tuscaloosa, January 5, 1829.*

*The Hon. the Speaker and Members of the House of Representatives:*

Gentlemen—I have the pleasure to transmit you by their Secretary the annual report of the board of Trustees of the University of Alabama. I have the honor to be, most respectfully, your obedient servant.

JOHN MURPHY.

The report of the Trustees is as follows :

The board of trustees of the University of Alabama respectfully submit their annual report to the General Assembly. The financial situation of the institution will be seen from the following statement :

*Capital Stock.*—The proceeds of the sales of 19,635 28-100 acres of land, up to the 1st Dec. 1828, \$235,788 81. Of this amount there has been received in cash and invested in six per cent. state stock the amount of \$49,116 58½. There are bonds outstanding and now due to the amount of 36 321 16½; bonds outstanding and which will fall due in 1829 to the amount of 7014 13; do. 1830 do. 3278 9; do. 1831 do. 45085 57½; do. 1832 do. 18892 2¼; do. 1833 do. 46476 2¼; do. 1834 do. 1410 77; do. 1835 do. 14940 56; do. 1836 do. 13222 2¼. There are remaining unsold 2644 72-100 acres of land.

*Income Fund.*—There has been received from rents, of leases, interest upon sales of lands, and dividends upon state stock since the funds of this institution were placed in the hands of the trustees to the 26th Nov. 1828, the sum of \$37446 48. From which has been disbursed prior to 26th Nov. 1827, the sum of 8288 41. There has been disbursed from the date of the last annual report of the board, to the 26th Nov. 1828, the sum of 6312 93½—as follows to wit: For the current expenses of the board classing lands, &c. 1999 26; for the purchase of a tract of land adjoining the site selected for the university buildings and recording the deed for the same 1251 37½; for the erection of university buildings including the salary of the architect 3062 35. Total amount of disbursements 14601 39½—Leaving a balance of 22845 08½: Of this sum there has been invested in six per cent. state stock the sum of 16941 77½; the balance, cash in the treasury 5903 31¼. The amount due and unpaid for leases and rents and for interest upon deferred payments for lands sold is 22 627 80½; that is on bonds for leases and rents, supposed to be 3000; on bonds for interest upon deferred payments or fourth instalment 9136 58½; for interests upon deferred payments not bonded 5141 22—making the total amount applicable to the expenses of the ensuing year, in the event that collections are made in full, of 45472 89. The annual amount of the income fund after the present year, including dividends on state stock, interest on deferred payments and rents may be estimated at about 17000; which will be subject to increase by the future sales of land.

The board of trustees further report that, under existing laws the board has no power to order or direct the sale of any of the university lands lying in the vicinity of the town of Tuscaloosa for any purposes whatever. The experience of the past has however satisfied the board that a certain portion of the said lands lying in the vicinity of Tuscaloosa and reserved by law from sale, are not only subject from their proximity to said town to be trespassed and intruded upon by the inhabitants thereof, but that frequent trespasses



and spoliations have actually been committed upon them, which the utmost vigilance has not sufficed to detect or expose, but which have tended greatly to reduce the value of the said lands. The board therefore, operated upon by the conviction that the immediate sale of the said lands will greatly conduce in a pecuniary point of view to advance the interest of the university, respectfully recommend to the consideration of the General Assembly the expediency of providing by law for the sale of the said lands, which are described as follows, to wit: The southwest quarter section, and the west half of the southeast quarter section of section 28, township 21, range 10, lying in the vicinity of Tuscaloosa.

The board of trustees further state to your honorable body, that in pursuance of an act of the General Assembly, passed at their last session, authorizing and directing them to select a site within fifteen miles of the town of Tuscaloosa, they were referred by the president of their board on the 17th day of March last, and after viewing a number of sites which were offered to them, situate in the adjacent country within fifteen miles of the town of Tuscaloosa, they selected the one called 'Vear's field,' on the university land.

They further state that in pursuance of a resolution of their board, which was passed at that time, they adopted a plan for the university buildings which was submitted to them by the state architect, with some modifications, that they then proceeded to appoint a committee to contract for various buildings, as marked on said plan, out of which will more fully appear by a reference to said resolution, a copy of which is hereto annexed, marked A; that the building committee afterwards met twice at the town of Tuscaloosa and made contracts for all the buildings which were required by said resolution to be contracted for—the estimate, cost of each of them, the number contracted for, and the names of the contractors, will more fully appear by a reference to the report of the building committee, together with the report of the architect hereto annexed, marked B. They further state that in pursuance of another resolution of their board, passed at the same time, they purchased of a certain James Paul a tract of land containing fifty acres, for the sum of twelve hundred and fifty dollars. The reasons which induced them to make this purchase were, the immediate contiguity of the land to the site selected, thereby to prevent immoral persons from settling on the same; the superior quality of the clay for making bricks for the buildings, and the quantity of wood thereon which could be spared therefrom for burning them. The truth of the last reason stated will be fully supported by reference to the book contracts, from which it will appear that there has been a saving thereon more than equal to the price paid for the said land.

The board of trustees beg leave further to state that, in pursuance of an act of Congress passed the 21st May last, entitled an act to authorize the selection of lands for the benefit of a seminary of learning in the state of Alabama instead of other places heretofore selected—which lands were sold by the government of the United States—they have selected the following lands, to wit: The NW. qr. of sec. 28, town 4, range 10 west—the SE. qr. of sec. 21, town 4, range 10 west—the SW. qr. of sec. 21, town 4, range 8, west—the SE. qr. of sec. 24, town 4, range 10, west—the SW. qr. of sec. 15, town 4, range 9, west—the SE. qr. of sec. 8, town 4, range 9 west—the east part of the NW. qr. of sec. 21, town 4, range 10, west—in all containing 1062 88-100 acres. All of which is respectfully submitted. By order of the board,

JOHN MURPHY, president ex officio of the board of trustees

(A.) Report and resolutions submitted by the committee appointed to confer with the architect in relation to a plan for the University buildings:—The committee appointed to confer with the architect in relation to a plan for the university buildings, beg leave to report: That they have performed that duty and herewith submit a plan prepared by the architect, including four blocks of houses for the faculty, marked on the plan *A B C D*; six blocks of dormitories, marked *E F G H I K*; a principal building for public lectures, commencements, library, &c., marked *L*; a building for the chemical laboratory and lectures, marked *M*, and two hotels, marked *N O*—which plan they recommend to the adoption of the board. They also submit herewith an estimate of the cost of two blocks of dormitories marked *E H*—of two blocks of professors' houses marked *B C*—of the laboratory marked *M*—and of one hotel marked *N*, and the edifice marked *L*, amounting to fifty-six thousand dollars: ten thousand dollars of which will be required within the present year; twenty to thirty thousand dollars within the second year, and the remainder in the third year. The whole of the building however, included in this estimate, it is believed can be completed by the end of the second year. The committee also recommend the adoption of the following resolutions: Resolved, that it is expedient to commence the university buildings with as little delay as is compatible with due economy, and that the building, an estimate of the cost of which has been submitted, shall be first erected. Be it further resolved, that a committee of four, together with the president of the board, shall be appointed who, or any two of whom, with the aid of the archi-



tect, shall have power to make contracts for the erection of said buildings. And be it further resolved that the sum of fifteen thousand dollars be and the same is hereby appropriated to be applied by the building committee to the erection of the aforesaid buildings.

(3.) The committee who were by a resolution of the board of trustees appointed to make contracts for erecting certain buildings on the site selected by the last board, for the university of Alabama, respectfully beg leave to report: That after having previously advertised the same to be let to the lowest bidder, they met at the house of S<sup>r</sup> M<sup>r</sup> Ewing on the 18th day of June last, and that after receiving a number of proposals from various persons, previous to the opening them, they adopted in substance the following resolution: to divide the contract into as many parts or portions as would best reserve a speedy erection of the buildings. In pursuance whereof they divided the masonry and cut stone into two parts; the necessary brick work into two parts, and the carpentry into five parts. That Harden Perkins and Michael Swinney and John Robb being the lowest responsible bidders, all the cut stone and masonry requisite to be done on the two faculty buildings together with the recitation room and hotel, were allotted to Harden Perkins, Esq. for the following prices, to wit: The masonry at \$2 25 per perch, and the wrought and faced stone at the price of sixty seven cents per foot; and the work necessary to be done on the two dormitories, was allotted to Swinney and Robb to be executed for the same prices; that the brick work necessary to be done on the two dormitories, was allotted to Drish and White at the price of \$7 87 1-2 per thousand including stock bricks; and the brick work necessary to be executed upon the buildings which were allotted to Harden Perkins, was allotted to Wm. Morton for the price of \$7 90 per thousand—they being the lowest bidders therefor. That the five carpentry contracts were allotted as follows: one dormitory to Robert Goodman; one ditto to Edwin Sharp; one faculty house, together with the recitation room, to Robert Carnes; the other faculty house to Daniel Grayson, and the hotel to James Mallory—they appearing to be the lowest bidders for each of them. All of which several carpentry contracts were agreed to be done for specific prices each: which will more fully appear by a reference to the specifications appended to their bonds herewith returned and enclosed in an envelope marked A. The committee then adjourned to meet again at some future time when the architect should have completed his specifications for the other buildings directed to be let out. Accordingly, upon notice from him that they were ready, they met again on the 27th of October last, having previously advertised the same, and entered into contracts with the following persons, they being the lowest responsible bidders: with John Robb and R. P. Baker, each to execute a moiety of the cut stone and masonry necessary to be done upon the two buildings, let out for the following price: the wrought and cut stone at the price of 75 cents per superficial foot, and the masonry at \$2 50 per perch; with Thomas Love and Byrd F. Robinson, for all the brick work including stock brick, at the price of 7 dolls. 4 cts. per thousand; with Robert Calmes for the rotunda, and with Daniel Grayson for the other buildings, each to be paid by measurement for their work, for certain prices stated in the specifications appended to their bonds which are herewith returned. For the necessary lumber to complete the said buildings we contracted with William F. Freston for all the scantling to be delivered at the site, for the university buildings, at the price of one dollar per hundred feet; and with Wm. Moore for all the plank to be delivered at the same place, the rough edge plank for the sum of eighty cents per hundred, and for all other plank, for the sum of one dollar and twenty cents per hundred—as will more fully appear by the specifications appended to their bonds herewith returned. Your committee deeply regret that the buildings first let in are not at this time in that state of forwardness which they so fondly anticipated. The cause of their being delayed will be stated by the report of the architect to which they refer. It is an act of justice due to him here to state that his efforts have been unremitting to meet the wishes of the board: and that he has to this time discharged all his duties with industry, fidelity and integrity. It will appear from the statement from the controller's books herewith annexed, that there has been expended from the funds placed at the disposal of the building committee the sum of two thousand nine hundred and eighty-six dollars and eighty-five cents of the university. All of which is respectfully submitted.

HUBERT R. FIELD, Chairman of the building committee.

Buildings already contracted for at the University of Alabama: No 2, blocks of lesser dormitories \$0,516; No 2 do. for professors and a recitation room 12,000; laboratory and appendages 10,000; hotel 5,000. In hand towards the rotunda 8,481. Amount of first appropriation 55,000.

WM. NICHOLS, State Architect.

December 31, 1848.

*Ordered*, That said message, together with the accompanying documents, lie on the table, and that 100 copies thereof be printed for the use of this House.

A bill to be entitled an act to provide for revising and digesting the

laws of this state. *Mr Coopwood* moved that the bill lie on the table until the 3d Monday in November next; which was carried.

A bill to be entitled an act to provide for revising and publishing the statute laws of this state, in pursuance of the 20th section of the 6th article of the constitution, was read a second time. *Mr Speaker* moved that the further consideration of the bill be postponed until the third Monday in November next; which was carried. Yeas 36—Nays 30.

*The yeas and nays bring desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Anderson, Barker, Belser, Brandon, Brown, Clark, Clough, Cole, Cook, Coopwood, Duke, Dupuy, Edmondson, Fearn, Foster, Hill, Hodges, Lea, Massey, Metcalfe, Mims, Musgrove, McElderry, Pickens, Rogers, Salter, Sanders, Townsend of P. Walker of D. Wallis, Weissinger, Wellborne and Whitfield.*

*Those who voted in the negative are, messrs Banks, Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Colgin, Dale, Durrett, Flournoy, Gage, George, Harris Lane, Lawler, Lewis of F. Mardis, Mobley, Parker, Parsons, Penn, Perkins, Richardson, Robinson, Smith of J. Smith of L. Sykes, Tarver, Terry and Townsend of m.*

Engrossed bill from the Senate entitled an act concerning costs in the supreme court, was read a second time and referred to the judiciary committee, to consider and report thereon.

Joint memorial to Congress in favor of Col. David White, was read a second time. *Mr Bridges* moved to amend it by adding thereto a resolution; which was adopted. The memorial was then ordered to be engrossed for a third reading to-morrow.

Bills of the following titles, to wit: An act to legalize registering certain deeds or conveyances of land in this State; an act to authorize George W. Stoneroad to emancipate certain slaves therein mentioned; and an act for the relief of Susanna Casey; were severally read a second time and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize the sheriff of Fayette county to execute precepts from justices of the peace, was read a second time. *Mr Speaker* moved to amend the bill by striking out the word *not* in the first section; which was carried. *Mr Weissinger* moved that the further consideration of the bill be indefinitely postponed; which was lost. The bill was then ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to change the time of holding the county court of Franklin county, was read a second time and laid on the table.

A bill to be entitled an act to prevent the citizens of this State from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, was read a second time and laid on the table until Monday next.

Engrossed bill entitled an act to appoint a commissioner for the county of Pike was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act for the relief of William May and James Reynolds was read a second time. *Mr Clark* moved that the bill lie on the table till the first day of March next; which was lost. The bill was then ordered to be engrossed for a third reading to-morrow.

And then the House adjourned until to-morrow morning, 9 o'clock.

*Wednesday, January 7, 1829.*

The House met pursuant to adjournment.

*Mr Flournoy*, from the judiciary committee, to which was referred a bill, with sundry amendments, respecting bail in civil and criminal cases,

reported a substitute in lieu thereof, which was adopted by the House. It was then ordered to be engrossed for a third reading to-morrow.

Mr Coopwood made the following report: The committee on the state capital, to which was referred a resolution of this House, instructing them to ask for, and receive from, the commissioners appointed to superintend the erection of the public buildings, a statement of the contracts made for any part of said work, with whom any contracts may have been made, and the amount of money paid on contracts completed, the amount promised on contracts which may be incomplete. Immediately after the committee convened, they addressed a letter to said commissioners, asking the information contemplated by the resolution, and received for answer the following report, which they now beg leave respectfully to submit:

TUSCALOOSA, DECEMBER 11, 1828.

Hon Thomas Coopwood, chairman of the committee of the House of Representatives on the public buildings: Sir—In obedience to your call of the 5th inst under a resolution of the House of Representatives, the commissioners appointed to superintend the erection of the state capital respectfully submit the following exhibition and general account of the names of the individuals with whom contracts have been made for the erection of the state capital, the amount of money paid on each contract, also the amount which will be due on the completion of the contracts respectively, with the aggregate, to wit:

**CONTRACTS FOR STONE WORK:** *Am't p'd. Unp'd bal. Am't cont.*

1. With John Robb, for stone masonry in the foundation and basement story, and all the faced rock on the exterior of the same, as per bill and measurement \$10500 \$3363 50 \$13863 50

2. With John Robb, for imposts and arches on the back front, ionic capitals and bases on the principal front, and for mantels and jambs for fireplaces 574 50 :: 574 50

3. With Baker & Swiney, for masonry and sculpture for the upper windows 500 700 1200

**CONTRACT FOR BRICK WORK**—With Wm. Morton, jr at \$10 per thousand for brick laid in the wall, including every expense, the work to be measured in walls, and it is estimated the building will require nine hundred thousand bricks 3000 6000 9000

**CONTRACTS FOR CARPENTERS' WORK and Materials**—1 With Brown & Sossaman, to find all the materials, and do all the carpenters' work according to certain specifications. Mr Brown failing to perform his part of the contract, the whole devolved on Henry A. Sossaman, including all the work of the floors, of sleepers and joist, and the roof and done completed; all of which is to be measured and valued according to prices agreed on, and is estimated to cost five thousand five hundred dollars 3000 2500 5500

2 With James Bevell, for all the joiners' work in the south wing of the building, on the basement story 200 354 554

3. With Wm Morrison, for similar work in the north wing basement story 100 416 50 516 50

Also, Wm. Morrison, for carpenters' work in and about the building, not included in the contract 123 75 :: 123 75

4 With James Mallery, for joiners' work in the supreme court room, vestibule and rotunda 200 450 650

Also, Jas. Mallery, for building an office and ware-room for stores, making centres for turning arches, &c. 137 12½ :: 137 12½

5 With John S. Field for all the sashes and frames on the two upper stories of the building, 220 00 340 00 560 09

**CONTRACTS FOR LUMBER:**

1. With David Canner, contract complete 606 94 :: 606 94

2. With Richard Cole, do. do. 44 79 :: 44 79

3. With Wm. McGuire, do. do. 60 75 :: 60 75

4. With Wm. P. Brown, do. do. 200 :: 200

Contract with David Johnson, for covering the dome, fluts, and gutters, &c. with copper, as estimated by weight, will cost :: 700 700

James H. Dearing & Co. for articles directed to be purchased in New York, for use in the building, including all the nails, screws, glue, locks, hinges,

paints, oil, putty, glass, plaster of paris, &c as per bill	4382	::	4382
Jas. Hogan & Co for cas-iron backs for chimneys	31 10	::	31 10
Contracts remain to be made for the wood work			
of the lantern of the dome, and a balustrade all			
round the eaves of the building, which, with inci-			
dental expenses in covering in, is estimated not to			
exceed this amount, say	::	1295 04½	1295 04½

\$23880 95½ 16119 04½ 40000 00

The foregoing statement comprehends all the workmanship and materials required in covering in the building; including all the outside doors and frames, all the sash-frames and glass throughout the building, and all the joiners' work in finishing the supreme court room in a handsome style, and all the other rooms and offices in a decent one; leaving on hand plank, ironmongery, paints, plaster of paris, and other articles to the value of from four to five thousand dollars towards finishing the joiners', plasterers', and painters' work of the upper stories. The erection of the building is at this time progressing in a very satisfactory manner. Some inconvenience was heretofore and is yet felt in the progress of the work, from the tardy operations of Wm. Morton, jr in the execution of his contract for the brick work; he, however, at this time, is making considerably exertion, and is progressing rapidly with the work. But the same time it is due to remark that some injury has resulted to the public interest, and also to the individuals who have contracts for the carpenters' and joiners' work. It will be perceived that after covering in the building and finishing the rooms in the basement story, there will remain on hand a handsome balance of the original appropriation; whether it will be sufficient for the entire completion of the building it is difficult to decide; we, however, fondly indulge the hope that it will be, and can only say that no exertion shall be wanting on our part to make it so. All of which is respectfully submitted.

*J. L. Tindall, J. Hogan, S. B. Fwing, J. H. Dearing, Comm'rs.*

*Ordered,* That said report, and accompanying documents, lie on the table.

A message from the Senate by Mr. Lyon: Mr. Speaker, The Senate concur in the amendments made by your honorable body to the bill entitled an act to authorize Zachariah Holly to emancipate certain slaves therein named, and an act authorizing the liberation of certain slaves. They concur in the resolution of your honorable body, requesting the president and directors of the Bank of the State of Alabama, without delay, to report to the joint committee of the two Houses, appointed to examine the affairs of the Bank of the State of Alabama, who shall, in like manner, report to both Houses, what amount is due the Bank from the citizens of each county in this State on general accommodation, what amount on special accommodation; also, what amount has been discounted for each county since the last apportionment, and the aggregate amount offered for by citizens of each county in this State.

Mr. Clark made the following report: The committee on the judiciary, to whom was referred a resolution requiring them to inquire into the expediency of repealing or amending the law which requires the holders of bills, bond, notes or other instruments, to institute joint suit against the maker or makers and indorser or indorsers, on or before the next term of the court of the proper county after defalcation in the payment; and that they report by bill or otherwise; and also, a resolution instructing them to inquire into the expediency of defining more particularly the object of an act, passed and approved on the 15th of January, 1828, defining the liability of endorsers on contracts, &c. under a magistrate's jurisdiction. The same committee reported a bill to be entitled an act to repeal in part and amend an act entitled an act defining the liability of endorsers, and for other purposes, approved January 15, 1828; which was read and ordered to a second reading on to-morrow.

Mr. George, from the select committee to which was referred the petition of Elias E. Byrne, praying to change the name of and legitimate a certain person therein named, reported a bill to be entitled an act to change

the name of and legitimate a certain person therein named; which was read and ordered for a second reading to-morrow.

Mr Sanders, from the select committee to which was referred the petition of sundry inhabitants of the town of Cottonport, in the county of Limestone, praying the passage of an act to incorporate said town, reported a bill to be entitled an act to incorporate the town of Cottonport; which was read and ordered to a second reading to-morrow.

Mr Cook obtained leave to introduce a bill to be entitled an act to alter the time of holding the courts in the sixth circuit; which was read and ordered to a second reading to-morrow.

Mr Weissinger offered the following resolution: *Resolved*, For the remainder of the session, this House will convene at nine o'clock in the morning and continue in session till one in the afternoon, at which time the Speaker shall announce, and, if no objection be made, shall adjourn the House till three o'clock, when the House shall again convene and sit until five o'clock, at which time the Speaker shall again announce the hour of adjournment, and, if no objection be made, shall adjourn the House: *Provided*, That it shall be competent to the House to adjourn at an earlier hour on motion, as usual; but the names of the mover and seconder shall be entered on the journal, together with the time of day in which such motion is made. Mr Walker of D. moved that the further consideration of the resolution be indefinitely postponed; which was lost. Mr Parsons then moved to amend the resolution by striking out the word *nine*, with a view to insert the word *ten*; which was lost. Mr Sanders offered the following amendment: 'And again meet at seven o'clock and sit until 10 o'clock, when again the Speaker shall announce the hour;' which was lost. Mr Mobley then moved that the resolution lie on the table till to-morrow; which was lost. Mr Gage moved to amend the resolution by striking out all of the resolution after the word 'resolved,' with a view to insert the following: 'That this House receive no new business after Monday week next.' A division of the question being called for, the vote was first taken on striking out; which was lost. The resolution was then adopted.

Mr Belser obtained leave to introduce a bill to be entitled an act more fully to provide for the advertising of lands and negroes levied on by the sheriff of Montgomery county; which was read and ordered to a second reading to-morrow.

Mr Brandon obtained leave to introduce a bill to be entitled an act to compel owners of hired slaves and their legal representatives to pay reasonable bills to physicians; which was read and ordered to a second reading to-morrow.

Mr Pickens obtained leave to introduce a bill to be entitled an act the more effectually to enforce the honest discharge of the duties of sheriffs, clerks and coroners and for other purposes; which was read and ordered to a second reading to-morrow.

A message from the Senate, by Mr Crabb: Mr Speaker, I am instructed to inform the House of Representatives that the Senate have passed the following resolution, in which they desire the concurrence of the House: *Resolved*, that, with the concurrence of the House of Representatives, the Senate will assemble in the Representative Hall at 7 o'clock, p. m. this day, for the purpose of electing a state printer for the present year, and also a portwarden for the port and harbor of Mobile, to fill the vacancy occasioned by the resignation of Philip McLosky, Esq.

*Ordered*, That said resolution lie on the table.

The House then proceeded to the orders of the day.

The engrossed bill from the Senate entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, was taken up. Mr Clark moved that the bill lie on the table till Monday next; which was lost. Mr Coopwood then moved that the House recede from their amendment to the first section of the bill by striking out *Courtland*, and inserting the words *such place as shall be designated by joint vote of both Houses of this General Assembly*; which was lost. Yeas 21—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are messrs Adams, Anderson, Belser, Bridges, Broadnax, Brown, Clark, Cawthon, Cole, Coopwood, Duke, Dupuy, Foster, Hodges, Hudson, Lewis of F. Metcalfe, Pickens, Richardson, Walker of D. and Wallis.

Those who voted in the negative are, messrs Speaker, Armbrister, Banks, Barker, Bibb of L. Bibb of m. Bonnell, Brandon, Clough, Colgin, Cook, Dale, Durrett, Edmondson, Fearn, Flournoy, Gage, George, Harris, Hill, Lane, Lawler, Lea, Lewis of m. Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Parsons, Penn, Perkins, Robinson, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarrar, Terry, Townsend of m. Townsend of P. Walker of m. Weissinger, Wellborne and Whitfield.

Mr Bibb of L. moved that the House insist on said amendment to said bill; which was carried. Mr Coopwood moved that the House recede from their amendment to the 4th section of the bill, by adding after the word *commissioners* the words *none of whom shall be entitled to the pre-emptive privileges by virtue of the provisions of this act*, and which is marked with the letter F; which was lost. Yeas 22—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Banks, Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Coopwood, Duke, Durrett, Hodges, Hudson, Lea, Lewis of F. Metcalfe, Parker, Sanders, Smith of L. Sykes, Terry and Wallis.

Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Barker, Brandon, Brown, Clark, Cawthon, Clough, Cole, Colgin, Cook, Dale, Dupuy, Edmondson, Fearn, Foster, Gage, George, Harris, Hill, Lawler, Lewis of m. Mardis, Massey, Mims, Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Salter, Smith of J. Tarrar, Townsend of m. Townsend of P. Walker of m. Weissinger, Wellborne and Whitfield.

Ordered, That the House insist on their amendments to said bill.

Mr Clay moved that the House insist on their amendment to the 5th section, by striking out the words *that the lands of the first class shall by said commissioners be valued at from six dollars to ten dollars per acre, according to the locality or other cause of value; lands of the second class, from four dollars to six dollars per acre; and lands of the third class shall be valued from the minimum price of said lands to three dollars per acre, according to the value; and if the said commissioners shall be of opinion that any of the said lands, being of the first class and contiguous to the canal, or a town, or from other local causes shall be worth more than ten dollars per acre, they shall assess what they esteem its true value, and the price they fix upon them shall be the price at which they are to sell—and by inserting in lieu thereof the words, that the said lands shall be divided according to value into four classes; the first class of which shall be valued at not less than eight dollars per acre; lands of the second class at not less than five dollars; lands of the third class at not less than three dollars; and lands of the fourth class at not less than the minimum price per acre; but the said commissioners shall assess the true value of each particular half quarter section, or other legal subdivision of said land, which shall be the price at which they shall respectively sell*; which was carried. Yeas 54—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bonnell

Brandon, Bridges, Broadnax, Brown, Clark, Clough, Cole, Colgin, Carthon, Cook Dale, Duke, Dupuy, Durrett, Fearn, Flournoy, Foster, Gage, George, Harris, Hill Lawler, Lewis of m. Mardis, Massey, Metcalf, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Rogers Salter, Smith of J. Smith of L. Terry, Townsend of P. Walker of D. Walker of m. Weissinger, Wellborne and Whitfield.

Those who voted in the negative are, messrs Bibb of L. Bibb of m. Coopwood Edmondson, Hodges, Hudson, Lane Lea, Lewis of F. Sanders, Sykes, Townsend of m. and Wallis.

Mr Belser moved that the bill lie on the table till Monday next; which was lost. Mr Clay moved that the House disagree to the amendment made by the Senate to the amendment made by the House of Representatives to the end of the 5th sec. of the bill and marked K. by striking out all of said amendment after the word *respectively*, in the 1st line, and inserting the following: *will not directly or indirectly purchase any of said lands except the preemption right given them, and that they will not in any manner be concerned in fixing the value upon their own preemption*; which was carried. Mr Lewis of m. moved that the House insist on their amendment to the 7th section of the bill, by striking out the words *three newspapers published in said counties*, and inserting the words, *in all the newspapers of north Alabama, Tuscaloosa, the Selma Courier, Alabama Journal, Mobile Commercial Register, the Claiborne Whig, and one of Nashville, Tennessee*; which was carried. Mr Clay moved that the House insist on their amendment to the 1st line of the 9th sec. by inserting the word *white* after *free*; which was carried. Mr Clay moved that the House recede from their amendment to the 9th sec. made by adding the words *cultivated by occupant or holding under him, her or them*; which was carried. Mr Clay moved that the House insist on their amendment to the 10th sec. made by striking from the 7th line thereof the words *classed and*; which was carried. Mr Clay moved that the House insist on their amendments to the 10th sec. by adding the words *of equal or inferior value*; which was carried. Mr Clay moved that the House disagree to the amendment made by the Senate to the amendment made by the House to the 12th sec. and 7th line thereof, after the word *same* to the word *and*, in the 11th line, which reads thus: *and all applicants shall file with the register his or her affidavit, to be preserved by the register, setting forth that the land applied for is for his or her own use, and not for the purpose of speculation or for the use of another*; which was carried. Mr Fearn moved that the House insist on their amendment to the bill by adding thereto sec. No 14; which was carried. Yeas 48—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Barker, Bonnell, Brandon, Broadnax, Brown, Carthon, Clough, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Lane, Lawler, Lea, Lewis of m. Massey, Metcalf, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Salter, Smith of J. Sykes, Terry, Townsend of m. Townsend of P. Walker of D. Walker of m. Weissinger, Wellborne and Whitfield.

Those who voted in the negative are, messrs Adams, Belser, Bibb of L. Bibb of m. Bridges, Clark, Cole, Edmondson, Hodges, Lewis of F. Sanders, Smith of L. and Wallis.

Mr Clark then moved that the further consideration of the bill be postponed until the first Monday in March next. The question being then pending, the House adjourned until this evening 3 o'clock.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

The House resumed the consideration of Mr Clark's motion to postpone until the first Monday in March next, the engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose

of certain lands therein named. The question being put, Shall the bill be postponed until the first Monday in March next? and determined in the negative. Yeas 11—Nays 54.

The yeas and nays being desired, those who voted in the affirmative are, messrs Clark, Cuywood, Duk, Eberoy, Gage, Lawler, Lewis of F. Mailey, McCallie Rogers and Parver — Those who voted in the negative are, messrs Speaker, Adams, Ambuster, Anderson, Banks, Barker, Bibb of L. Bibb of m. Bonnell, Boudon, Broadnax, Brown, Cawthon, Clough, Cob, Colgin, Cook, Dale, Dupuy, Barrett, Edmondson, Fearn, Foster, George, Harris, Hill, Hedges, Loe, Lea, Lewis of m. Mims, Mobley, Musgrove, McEldey, Parker, Parsons, Penn, Peckens Pickens, Richardson, Robison, Salter, Sanders, Smith of J. Smith of L. Sells Terry, Townsend of m. Townsend of P. Walker of D. Walker of m. Watts, Weissinger, Wellborne and Whitfield

Mr Bibb of L. moved that the House recede from their amendment to the 14th section of the bill and 24th line, by striking out the word *ap-  
ment* and inserting in lieu thereof the word *instalment*; which was carried. Mr Bibb of L. moved that the House concur in the amendment made by the Senate to the amendment made by the House to the 16th section of the bill by striking out all after the word *lands*, and inserting the following: 'And the register has received therefor it shall be the duty of the register to forward a duplicate receipt of such final payment to the Governor of the State; whereupon the Governor shall issue a patent for the said land under the seal of the State and forward the said patent to the register and such patent shall vest in the patentee or patentees a full and fee simple title to the lands so patented, and it shall be the duty of the register to require the patentee or patentees to surrender the receipt for final payment on the delivery of the patent for any land; and such receipts for final payment shall be filed by the register in his office as a voucher;' which was carried. *Ordered*, That the House concur in the amendments made by the Senate by adding a proviso at the end of the 17th section. Mr Clark moved that the House insist on their amendment to the bill by adding thereto an additional section, providing that no member of the present General Assembly shall be eligible to the appointment of register, receiver or commissioner, created by certain provisions of the bill; which was lost. *Ordered*, That the House recede from their said amendment.

A bill to be entitled an act for the better observation and keeping of the Lord's Day, commonly called Sunday, and for the more effectual suppression of vice and immorality was read a second time. Mr Bridges moved that the further consideration of the bill be indefinitely postponed; which was carried.

The engrossed bill from the Senate entitled an act to amend an act entitled an act to authorize the sales of sixteenth sections, and for other purposes, was read a third time and referred to the committee on schools, colleges and universities, and school and university lands.

Mr Coopwood called up the resolution proposing that the president and directors of the Bank of the State of Alabama appoint an agent to attend to the affairs of the Bank in the city of Mobile, &c. Mr Clark moved to strike out the latter clause of the resolution; which was carried. Mr Parsons offered the following amendment: *And be it further resolved,* That said committee be instructed to inquire into the propriety of so amending the charter of the Bank as to authorize the president and directors to make a portion of the notes payable at Philadelphia or New-York and to provide and keep in some solvent bank, where such notes are made payable, sufficient funds for the redemption of the notes. Mr



Lea offered the following: *Provided*, neither of the directors reside in the city of Mobile; which was lost. The resolution as amended was then adopted.

And then the House adjourned until to morrow morning, 9 o'clock.

*Thursday, January 8, 1839.*

The House met pursuant to adjournment.

Mr Mobley presented the petition of sundry inhabitants of Clark county, praying a repeal of the law prohibiting the introduction of slaves into this State for sale or hire; which was read and laid on the table.

M. Parver, from the committee on accounts, to which was referred the account of Asa Hodges for taking the census of Lawrence county, reported that the account is not chargeable on the State, and ask leave to be discharged from the farther consideration thereof; which was granted.

Mr Lewis of m. presented the petition of sundry inhabitants of Montgomery county, praying the establishment of a branch bank of the bank of the State of Alabama in the town of Montgomery; which was read and referred to the committee on the State Bank.

Mr Cook, from the committee on ways and means, to which was referred the message of the Governor, and accompanying documents, in relation to the demand claimed by the Tombeckbe bank against the State of Alabama, and the proposition of the trustees of the university to purchase said demand with notes on said bank, &c. reported that it is inexpedient to legislate on that subject; in which report the House concurred.

Mr Penn, from the committee on ways and means, to which was referred a communication from his excellency the Governor, suggesting the propriety of requiring tax collectors to perform certain duties for statistical purposes, reported that it is inexpedient to legislate on that subject at this time; in which report the House concurred.

Mr Bibb of L. from the committee on inland navigation, to which was referred so much of the Governor's message as relates to the act of Congress granting to this State 400 000 acres of relinquished land for the purpose of improving the navigation of the Tennessee, &c. reported a bill to be entitled an act to appoint commissioners for the improvement of the navigation of the Tennessee river, and for other purposes; which was read and ordered to a second reading to morrow.

Mr George, from the select committee to which was referred the engrossed bill from the Senate to be entitled an act to alter and amend an act entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone, reported a substitute in lieu thereof, which was adopted by the House. The bill was then ordered to be read a third time on to-morrow.

Mr Pickens made the following report: The committee on enrolled bills have examined, and find correctly enrolled, bills, which originated in the Senate, of the following titles, to wit: An act to incorporate Valley creek academy, in the county of Dallas; an act to amend an act, passed at the last session of the General Assembly, authorizing a lottery in Henry county, and for other purposes.

Mr Cook, from the committee on ways and means, to which was referred a resolution concerning strays, reported a bill to be entitled an act to repeal in part and amend a certain act therein named, and concerning strays; which was read and ordered to a second reading on to-morrow.

Mr Bibb of L. obtained leave to introduce a bill to be entitled an act to incorporate the Athens male academy in Limestone county, which was read, and the rule requiring bills and joint resolutions to be read on

three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a 3d reading on to-morrow.

Mr Perkins obtained leave to introduce a bill to be entitled an act to raise money for the purpose of conveying water into the town of Tuscaloosa; which was read and ordered to a second reading on tomorrow.

On motion of *mr* Townsend of m. *Resolved*, That, with the consent of the Senate, the joint committee on the state bank be instructed to report to both Houses of this General Assembly all the correspondence that may have taken place between the banks in Mobile and the state bank or its agents, in relation to any arrangements or propositions to receive the notes of each other in payment or on deposit; and all correspondence or instructions which may have led to a discontinuance of any such arrangement.

Engrossed bills of the following titles, to wit: An act to authorize the draining of certain ponds in Madison county; an act for the relief of Henry Linton; an act for the relief of George A. Campbell, assessor and tax collector for Autauga county; an act investing the mayor and aldermen of the town of Tuscaloosa with the power of laying out roads within the corporate limits of said town; an act to repeal a certain act therein named;—were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled an act to provide more effectually against extortion by sheriffs, coroners, constables, clerks and justices, and for other purposes. Mr Wallis moved to amend the bill by adding thereto an additional section. Mr Parsons moved that the bill, with Mr Wallis' proposed amendment, be recommitted to the judiciary committee, to consider and report thereon.

A bill to be entitled an act to change and designate the boundaries of certain counties therein named, was referred to the representatives from Monroe, Wilcox, Marengo and Dallas, to consider and report thereon.

Mr Fearn called up the engrossed bill from the Senate entitled an act to prevent extortion by public officers, and for other purposes. The bill was referred to the judiciary committee.

A message from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, *Tuscaloosa*, January 7, 1829.

*The Hon the Speaker and Members of the House of Representatives.*

Gentlemen—The Board of Trustees of the University of Alabama have received and considered a proposition made to them by Mr John Talbert, of Monroe county, to purchase by special contract, fractions 34 and 27 west, in township 7, range 5, in the land district of Cahawba, containing 980 50-100 acres. The board has had information deemed satisfactory, that to close with the proposition would promote the interests of the university. It will be seen by the documents which accompany this communication, that the fractions are very inferior, with the exception of 75 or 80 acres, including all the lands on them which is at all fit for cultivation, being remarkably hilly, and the soil exceedingly poor. The petitioner proposes to purchase the whole of the two fractions, excepting four quarters lying west, two in each fraction, which purchase will amount to 340 acres, for the sum of \$2000, payable in equal annual instalments for four years. The situation of the fractions will be more clearly seen by reference to the plat of the land which accompanies the petition herewith transmitted. I am instructed by the board of trustees to request your honorable body to pass an act authorizing them to make this special contract. It is considered an opportunity to make an advantageous sale of some of our most inferior land, which could scarcely ever be properly included under any general arrangement of the price of the university land. If some of our most inferior lands were sold to advantage in this way, any general arrangement would more fully embrace

the merits of the balance of our lands, and apply with more desirable approximation to uniformity in price, according to the real value of the separate tracts. All which is most respectfully submitted, by order of the board.

JOHN MURPHY, *President, ex officio of the board of trustees.*

Mr Bibb of L. moved that the said message, with the accompanying documents, be referred to the committee on schools, colleges and universities and school and university lands; which was carried.

The engrossed bill from the Senate entitled an act for the relief of Joseph Bates, taxcollector of Mobile county, was read a second time. Mr Clark offered the following amendment: amend the bill by inserting after the word 'condition,' in the 6th line, the words, 'that the said Jos. Bates, in file in the office of the comptroller of public accounts, on or before the first Monday of February next, a complete copy of the assessment of the taxes of Mobile county for the year eighteen hundred and twenty-eight, duly certified by the clerk of the county court of said county, and also upon condition.' Mr Mobley moved to amend *mr* Clark's amendment, by striking out 'February' and inserting in lieu thereof 'March;' which was carried. The amendment as amended was then adopted. Mr Clark offered the following amendment: amend the bill by striking out of the 9th line the words 'first Monday in May,' and insert in lieu thereof the words 'fifteenth day of February;' which was carried. And the rule requiring bills and joint resolutions to be read on three several days being dispensed with, the bill was then read a third time forthwith; and the question being put, *Shall this bill pass?* it was determined in the affirmative. Yeas 42—Nays 16.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Brandon Broadnax, Cawthon, Clough, Colgin, Cook, Dale, Durrett, Edmondson, Fearn Flournoy, Foster, Gage, Harris, Lane, Lawler, Lea, Mims, Mobley, Musgrove, McElderry, Penn, Perkins, Rogers, Sanders, Smith of J. Smith of L. Sykes, Tarrow, Terry, Townsend of m. Townsend of P. Wallis and Whitfield.*

*Those who voted in the negative are, messrs Anderson, Belser, Brown, Clark, Duke, Hill, Hodges, Massey, Metcalfe, Parker, Pickens, Robinson, Salter Walker of D. and Weissinger*

*Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr Lyon: *Mr Speaker*, the Senate have passed a bill, which originated in their House, entitled an act to emancipate certain slaves therein named: in which they desire your concurrence. They have passed joint resolutions, which originated in the Senate, entitled joint resolutions proposing amendments to the constitution of this state, so as to have biennial sessions of the General Assembly thereof: in which they also desire your concurrence.

Engrossed bill from the Senate, of the following title, to wit: An act to emancipate certain slaves therein named, was read and ordered to a second reading to-morrow.

Joint resolutions proposing amendments to the constitution of this state, so as to have biennial sessions of the General Assembly thereof, was read and laid on the table. Mr Broadnax moved that 100 copies thereof be printed for the use of this House; which was carried.

Engrossed bill from the Senate entitled an act the better to secure impartial trials by jury in certain cases, was read a second time and referred to the judiciary committee.

The report of the joint committee appointed to examine the returns in the office of the secretary of state, exhibiting the votes of the people of

this state on the proposed amendment to the constitution, relative to the tenure of the judges, was, on motion of *mr* Coopwood, laid on the table until the first of March next.

Joint memorial, from the Senate, to the Congress of the United States asking them to repeal all laws of Congress which give to the government of the United State a priority of payment over private creditors in cases of insolvency, and in the distribution of the estates of deceased debtors. Mr Clark moved that it lay on the table till the first day of March next; which was carried. Yeas 46—Nays 19.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Barker, Barton, Belser, Bibb of L. Brandon, Bridges, Brown, Clark, Cawthon, Cole, Colgin, Dale, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Lane, Lawler, Lea, Mardis Massey, Mims, McElherry, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Rogers, Sanders, Smith of J. Smith of L. Sykes, Tarrar, Terry, Townsend of m. Townsend of P. and Wellburne.—Those who voted in the negative are, messrs Anderson, Banks, Bibb of M. Bonnell, Broadnax, Clough, Cook, Coopwood, Duke, Haggis, Lewis of P. Metcalfe, Mobley, Mosgrove, Walker of D. Walker of m. Weissinger and Whitfield.*

Engrossed bill from the Senate entitled an act to amend in part the 4th section of an act passed at the last session of the General Assembly appointing commissioners for Dale county and for other purposes, was read a second time and ordered to be read a third time to-morrow.

A bill to be entitled an act to abolish the imprisonment of females in civil suits, and to define the prison bounds of the several counties of this state, was, on motion of *mr* Ferry, laid on the table until to-morrow.

A bill to be entitled an act to authorize John W. Hewlett to establish a ferry on Flint river, in the county of Madison, was read a second time. Mr Bibb of L. moved to recommit the bill to the select committee that reported the same, with instructions to report a general law on the subject.

A bill to be entitled an act to sell and convey a lot of ground in the town of Cahawba, was read a second time and referred to the the committee on propositions and grievances.

And then the House adjourned until three o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

Mr Dupuy obtained leave to introduce a bill to be entitled an act to authorize the trustees of the University of the state of Alabama to sell and dispose of the unsold university lands in the county of Jefferson; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the committee on schools, colleges and universities and school and university lands.

A message from the Senate, by Mr Lyon: Mr Speaker, the Senate recede from their amendment made by your honorable body to the first section of the bill entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named. They insist on their disagreement to the amendment made by the House to the 5th section of the bill by striking out the words: that the lands of the 1st class shall by said commissioners, be valued at from six dollars to ten dollars per acre, according to the locality or other cause of value; lands of the 2d class from 4 dollars to six dollars per acre; and lands of the 3d class shall be valued from the minimum price of said lands to 3 dollars per acre according to value; and if the said commissioners shall be of opinion that any of the said lands being of the first class and contiguous to the canal or a town, or

from other local causes, shall be worth more than ten dollars per acre; they shall assess what they esteem its true value, and the price they fix upon them shall be the price at what they are to sell'—and by inserting in lieu thereof the words 'that the said lands shall be divided according to value, into four classes, the first class of which shall be valued at not less than eight dollars per acre; lands of the second class at not less than five dollars; lands of the third class at not less than three dollars; and lands of the fourth class at not less than the minimum price per acre; but the said commissioners shall assess the true value of each particular half quarter section or other legal subdivision of said land, which shall be the price at which they shall respectively sell.' The Senate also insist on their disagreement to the amendment made by the House to the 4th section of the bill. They insist on their amendment to the amendment made by the House to the end of the 5th section of the bill. They recede from their disagreement to the amendment made by the House to the 7th section of the bill. They insist on their disagreement to the amendment by the House to the 9th section of the bill, by inserting the word *white* after *free*. They insist on their disagreement to the amendment made by the House to the 10th section of the bill, by striking from the 7th line thereof the words *classed and*. They also insist on their disagreement to the amendment made by the House to the 10th section of the bill, by adding the words *of equal or inferior value*. They also insist on their amendment to the amendment made by the House to the 12th section of the bill. They insist on their disagreement to the amendment made by the House by adding section No. 14, marked with the letter V.

Mr. Bibb of L. moved that said message, and the bill accompanying the same, lie on the table until to-morrow and made the first order of the day; which was carried.

Bills of the following titles, to wit: An act to authorize Hector Garrett to emancipate certain slaves therein mentioned; an act supplementary to an act entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo, passed at the present session of the legislature; an act to provide for the payment of grand and petit jurors in the county of Jackson; an act to divorce John Lindsay from his wife Abbey Lindsay; an act to repeal in part an act to locate the seat of justice for Fayette county, passed Jan. 12, 1826;—were severally read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to authorize William Burns and William W. Prewit to continue their mill on Paint Rock river, was read a second time. Mr Parsons moved to amend the bill by adding thereto an additional section, No. 2; which was carried. It was then ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act for the relief of Jeremiah W. Thomas, tax collector of Lawrence county, was, on motion of Mr Clark, laid on the table.

A bill to be entitled an act to authorize judges of the county courts and the commissioners of roads and revenue, to emancipate slaves under certain restrictions, was read a second time and referred to the judiciary committee, on Mr Clark's motion.

A bill to be entitled an act to incorporate a lodge of Freemasons in the town of Decatur, in Morgan county, was read a second time and referred to a select committee, consisting of messrs Sanders, Sykes and Bibb of m.

The bill to be entitled an act to change the times of holding of the county court of Lauderdale county, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to incorporate the trustees of the Wilcox society for the encouragement of literature was read a second time. Mr Bibb of L. offered the following amendment by way of proviso: *Provided*, That this State, by act of the General Assembly, shall have power to amend or repeal this act of incorporation whenever they may deem it expedient. Mr Bridges moved to amend the amendment with these words: If it shall appear to the General Assembly that the trustees of this institution have transcended the powers hereby delegated; which was carried. The question was then on the adoption of the amendment as amended, and lost. The bill was then ordered to be engrossed for a third reading to-morrow.

The bill to be entitled an act to amend an act entitled an act to establish and improve a certain road therein mentioned, was read a second time. Mr Parsons moved to amend the bill by adding thereto an additional section, No. 5; which was carried. It was then ordered to be engrossed and read a third time to-morrow.

A bill to be entitled an act to reduce into one the several acts allowing fees to sheriffs, was read a second time and referred to a special committee, consisting of messrs Anderson, Clark, Walker of D. Mardis and Cook, to consider and report thereon.

Engrossed bill entitled an act to reduce into one the several acts in relation to the manner of electing electors for President and Vice President of the United States, and for other purposes, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled an act to change the time of holding the county courts of Franklin county was read a second time and ordered to be read a third time to-morrow.

Engrossed bill from the Senate entitled an act to amend an act entitled an act to regulate proceedings in chancery suits, passed the 1st of January, 1823, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax. Mr Parker moved to amend the bill by striking out the words 'for the year 1829;' which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The engrossed bill entitled an act to discontinue and establish certain election precincts therein specified, was read a third time. Mr Richardson moved to amend the bill by adding thereto an additional section by way of engrossed rider; which was carried. Mr Flournoy moved to amend it by adding thereto an additional section by way of engrossed rider; which was carried. Mr Harris moved to amend the bill by adding thereto an additional section by way of engrossed rider; which was carried. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to establish a certain election precinct therein named was read a second time. Mr Musgrove moved to amend the bill by inserting after the name of 'Abraham Stout' the words 'and Rowland Box;' which was carried. The bill was then laid on the table.

Engrossed joint memorial from the Senate to the Congress of the United States in behalf of Sally Hultom and William Merrell, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill from the Senate entitled an act in relation to the appointment and duties of trustees was read a second time and referred to the judiciary committee.

Engrossed bill from the Senate entitled an act to incorporate Canton academy, in the county of Wilcox, was read a second time and referred to a select committee, consisting of messrs Mardis, Bridges and Robinson.

Engrossed bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial juries, was read a second time and referred to the judiciary committee.

Engrossed bill from the Senate entitled an act to alter and change a certain part of the road leading from Florence, in Lauderdale county, to Athens, in Limestone county, was ordered to a third reading to-morrow;

And then the House adjourned until to-morrow morning, 9 o'clock.

*Friday, January 9, 1829.*

The House met pursuant to adjournment.

Mr Smith of L. presented the account of Harrison Thrasher; which was read and referred to the committee on accounts.

Mr Lewis of m. presented the petition of Oxre Fowler, accompanied with the petition of sundry citizens of Montgomery county, praying the passage of a law to authorize him to emancipate a certain slave therein named; which was read and referred to a select committee, consisting of messrs Bonnell, Broadnax and Lewis of m.

Mr Tarver, from the committee on accounts, to which was referred the accounts of Stith Evans and Wm. Gillespie, substitutes for Benj. Dorman, for services and expenses for conveying a prisoner by order and commission of the governor of this state from the state of Louisiana to Greene county, in Alabama, ask leave to be discharged from the further consideration thereof, and recommend that the accounts be referred to the committee on propositions and grievances. The committee were then discharged and the documents referred to the committee on propositions and grievances, to consider and report thereon.

Mr Harris, from the committee on propositions and grievances, to which was referred the petition of John Marrast, praying the passage of a law emancipating a colored man named Jim, reported a bill to be entitled an act to emancipate a slave therein named; which was read and ordered to a second reading to-morrow.

Mr Harris, from the committee on propositions and grievances, to which was referred the petition of Dr Davis Moore, asking compensation for professional services rendered to certain prisoners in the jail of St Clair county, report that the prayer of the petitioner is unreasonable and ought not to be granted; in which report the House concurred.

Mr Sanders made the following report: The select committee to which was referred a bill to incorporate a lodge of freemasons in the town of Decatur, in Morgan county, have had the same under consideration, and have amended the same by striking out the caption and have inserted one in lieu thereof. They have further amended the bill by adding two additional sections thereto. All of which I am instructed to report. The amendments were adopted by the House, and the bill ordered to be engrossed for a third reading on to-morrow.

A message from the Senate, by Mr Lyon: Mr Speaker, The Senate have passed bills and joint resolutions, which originated in their House, entitled an act the more effectually to prevent the evil practice of duelling; an act to divorce Robert C. Price from Elizabeth Price; an act to authorize the judge of the county court and commissioners of revenue and roads.

of Limestone county to appoint some suitable person to transcribe certain parts of the records of the county court aforesaid; and joint resolutions proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judge's office to six years; in which they desire your concurrence. They have also passed bills, which originated in the House of Representatives, entitled an act to authorize guardians to bring the slaves of their wards into this state without restriction; an act to amend an act entitled an act to provide for keeping in repair a certain road therein mentioned; and an act prohibiting certain persons from exercising the powers of justices of the peace and constables in this state; and have amended the latter bill in the manner herewith shown: in which amendment they desire your concurrence. In which amendment the House concurred.

Engrossed bills, from the Senate, of the following titles, to wit: An act to divorce Robert C. Price from Elizabeth Price; an act to authorize the judge of the county court and commissioners of revenue and roads of Limestone county to appoint some suitable person to transcribe certain parts of the records of the county court aforesaid; joint resolutions proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judge's office to six years; an act more effectually to suppress the evil practice of duelling;—were severally read and ordered to a second reading on to-morrow.

Mr Walker of D. made the following report: The committee on enrolled bills have examined, and find correctly enrolled a bill, originating in the Senate, entitled an act to increase the salary of the state printer.

Mr Hodges called up the bill to be entitled act for the relief of J. W. Thomas, taxcollector of Lawrence county.

Mr Lea offered the following resolution: *Resolved*, That the delegation from the several counties whose limits are proposed to be altered by a bill defining the limits of certain counties be added to the select committee to whom such bill is now referred. Mr Lewis of m. offered the following amendment: and that said committee be required to report on Monday next; which was carried. Mr Belser moved that the resolution lie on the table till the first day of March next; which was lost. Yeas 35—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Anderson, Banks, Belser, Bridges, Colgin, Coopwood, Lawler, Lewis of F. Perkins, Richardson, Tarver, Terry, Walker of D. and Whitfield.

Those who voted in the negative are, messrs Speaker, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Brown, Clark, Cawthon, Clough, Cole Cook, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, George Harris, Hill, Hodges, Lane, Lea, Lewis of m. Mardis, Massey, Metcalfe, Mims Musgrove, McElderry, Parker, Parsons, Penn, Pickens, Robison, Rogers, Salter Smith of J. Sykes, Townsend of m. Townsend of P. Walker of m. Weissinger and Welbourne. The resolution as amended was then adopted.

The House then proceeded to the orders of the day.

The engrossed bill from the Senate, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, being under consideration. Mr Coopwood moved that the house recede from their amendment to the 5th sect. of the bill; which was lost. Yeas 14—Nays 53.

The yeas and nays being desired, those who voted in the affirmative are, messrs Belser, Bibb of L. Bibb of m. Coopwood, Edmondson, Hodges, Lane, Lea, Lewis of F. Richardson, Sanders, Sykes, Townsend of m. and Wallis.

Those who voted in the negative are, messrs Speaker, Adams, Anderson, Banks Barker, Barton, Bonnell, Brandon, Bridges, Broadnax, Brown, Clark, Cawthon Clough, Cole, Colgin, Cook, Dale, Duke, Dupuy, Durrett, Fearn, Flournoy, Foster



Gage, George, Harris, Hill, Lawler, Lewis of m. Mardis, Massey, Metcalfe, Mims Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison Rogers, Salter, Smith of J. Smith of L. Tarver, Terry, Townsend of P. Walker of m. Weissinger, Welbourne and Whitfield.

Mr Clay then moved that the House insist on their said amendment; which was carried. Mr Clay moved that the House insist on their amendment to the 4th section of the bill; which was carried. Mr Terry moved that the House insist on their disagreement to the amendment made by the Senate to the end of the 5th section of the bill; which was carried. Mr Fearn moved that the House insist on their amendment to the 9th section, by inserting the word *white* after *free*; which was lost. Yeas 19—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Barker, Brandon, Clough, Cook, Dupuy, Durrett, Fearn, Flournoy, Gage, Lawler, Lea, Mardis, Massey, Metcalfe, Mobley, Penn, Townsend of P. Walker of m.

Those who voted in the negative are, messrs Adams, Anderson, Barton, Bibb of L. Bibb of m. Bridges, Broadnax, Brown, Clark, Cawthon, Cole, Colgin, Coopwood, Dale, Duke, Edmondson, Foster, George, Harris, Hodges, Lane, Lewis of F. Lewis of m. Mims, Musgrove, McElderry, Parker, Parsons, Perkins, Pickens, Richardson, Rogers, Salter, Smith of J. Smith of L. Sykes, Terry, Townsend of m. Wallis, Weissinger, Welbourne and Whitfield.

Mr Parsons then moved that the House recede from their said amendment; which was carried. Mr Terry moved that the House insist on their amendments to the 10th section of the bill, by striking from the 7th line thereof the words 'classed and;' which was carried. Mr Harris moved that the House recede from their amendment to the 10th section, by adding the words 'of equal or inferior value;' which was carried. Mr Parsons moved that the House recede from their disagreement to the amendment made by the Senate to 12th section; which was carried. Mr Brandon then moved that the House concur in the said amendment; which was carried. Mr Fearn moved that the House insist on their amendment by adding section, No. 14, marked with the letter V. which was carried. Yeas 47—Nays 16.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Anderson, Banks, Barker, Barton, Bonnell, Brandon, Broadnax, Brown, Clough, Dupuy, Durrett, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Lawler, Lea, Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Rogers, Salter, Sanders, Smith of J. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Walker of D. Walker of m. Weissinger, Wellborne and Whitfield.*

*Those who voted in the negative are, messrs Bibb of L. Bibb of m. Bridges, Clark, Cawthon, Cole, Coopwood, Dale, Duke, Edmondson, Hodges, Lane, Lewis of P. Richardson, Smith of L. and Wallis.*

Mr Coopwood then moved that a committee of conference be appointed on the subject matter of difference between the two Houses to the amendments to said bill; whereupon messrs Parsons, Lewis of m. Terry, Fearn and Barton were appointed said committee.

The bill to be entitled an act to authorize the people of the county of Walker to fix the permanent seat of justice in said county, and for other purposes, was read a second time and referred to a select committee, consisting of messrs Musgrove, Perkins and Brown, to consider and report thereon.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The engrossed bill entitled an act to refund to the county treasury of Wilcox county a sum of money therein mentioned, was read a third time

and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

The bill to be entitled an act for the relief of Jeremiah W. Thomas, tax collector for Lawrence county, was read a second time. *Mr Clark* moved to amend it by striking out the words 'monies that may be due' and insert in lieu thereof these words: 'The taxes due the State and county for that year;' which was carried. *Mr Clark* moved further to amend it by striking out 'March' and inserting 'February;' which was lost. It was then ordered to be engrossed for a third reading to-morrow.

*Mr Lewis of F* moved that the orders of the day be dispensed with for the present; which was carried.

*Mr Lewis of F.* presented the petition of Aaron Alred and others, praying compensation for apprehending a criminal; which was read and referred to a select committee, consisting of messrs *Lewis of F. Hudson and George.*

The House resumed the orders of the day.

Engrossed bills from the Senate of the following titles, to wit: An act for the relief of sheriffs and other officers; an act to amend the act incorporating the town of Florence; an act to divorce Ambrose Sanders from his wife, Elizabeth Sanders; were severally read a second time and ordered to be read a third time to-morrow.

The engrossed bill from the Senate entitled an act to change the times of holding the county courts of Jackson county, and for other purposes, was read a second time and referred to a select committee, consisting of messrs *Smith of J. Ambrister and Welbourne.*

The engrossed bill from the Senate entitled an act to revive and continue in force a certain act therein named, was read a second time and referred to the committee on schools, colleges and universities, and school and university lands.

The bill to be entitled an act to explain and amend the laws allowing fees to the judges of the county courts of this State, was read a second time. *Mr Adams* moved to amend the bill by striking out the words 'fifty cents,' with a view to insert 'one dollar;' which was lost. *Mr Walker of D.* moved to amend the bill, the 2d section thereof, by striking out the words 'instead of the tax fee now allowed by law for a jury in civil cases;' which was carried. *Mr Walker* moved to amend the 2d section of the bill by adding the words 'and no more,' after the word 'dollars' in the 2d section; which was carried. It was then ordered to be engrossed for a third reading to-morrow.

The bill to be entitled an act to amend and reduce into one the several acts for the relief of insolvent debtors was read a second time. *Mr Wallis* moved that the bill lie on the table till the 3d Monday in August next; which was lost. Yeas 28—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs *Adams, Banks, Belser, Bibb of m. Bonnell, Brandon, Clough, Colgin, Cook, Dale, Dupuy, Darrett, Edmondson, Foster, Lea, Mardis, Massey, Metcalfe, Mims, Mobley, Parker, Richardson, Robinson, Salter, Sanders, Townsend of P. and Wallis.*

Those who voted in the negative are, messrs *Speaker, Anderson, Barker, Barton, Bibb of L. Bridges, Broadnax, Clark, Cawthon, Cole, Coopwood, Fearn, Flournoy, Gage, George, Harris, Hill, Hodges, Lane, Lawler, Lewis of F. Lewis of m. Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Walker of m. Weissinger, Welbourne and Whitfield.*

*Mr Parsons* then moved to strike out the 14th section of the bill; which was carried. *Mr Anderson* moved to amend the bill by adding the fol-

following section: *And be it further enacted*, That this act shall not be so construed as to relate to the county of Pike; which was lost. It was then ordered to be engrossed for a third reading to-morrow.

Bills of the following titles, to wit: An act to ascertain the voice of the people of Pickens county, relative to the removal of their present seat of justice; an act for the relief of Benjamin S. Brumley; an act for the payment of Martin Wells; were severally read a second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bill entitled an act to repeal in part and amend a certain act requiring the judges of the circuit court to alternate, was read a third time and passed. Yeas 60—Nays 4.

The yeas and nays being desired, those who voted in the affirmative are, messrs Snicker, Adams, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Broa baux, Clark, Cawthon, Clough, Cole, Colgin, Cook, Coopwood, Dupuy, Dorrett, Edmondson, Fearn, Flournoy, Foster, Gage, Hill, Hodges, Lane, Lawler, Lee, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robinson, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of P. Walker of m. Wallis, Weissinger, Welbourne and Whitfield.

Those who in the negative are, messrs Bridges, Harris, Mobley, Townsend of m.

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

The bill to be entitled an act to establish the county of —, was laid on the table till Tuesday next.

The bill to be entitled an act to change and fix the time of convening the General Assembly of the state of Alabama, was read a second time. *Mr Clark* moved that it lie on the table till the first Monday in March next; which was lost. *Mr Clough* moved to amend the bill by striking out January with a view to insert November. A division of the question being called for, the vote was first taken on striking out and carried. *Mr Flournoy* moved to insert December; which was lost. The vote was then taken on *mr Clough's* motion, and carried.

A bill to be entitled an act supplementary to the act entitled an act concerning executions and sales by sheriffs and for other purposes, was read a second time and referred to the judiciary committee, with the following instructions: To inquire whether upon principle and expediency the estates of married women to any extent and what extent can be protected against the debts of their husband before marriage or after marriage and debts hereafter contracted.

The bill to be entitled an act for the relief of Stith Evans of the county of Greene, was read a second time. *Mr Clark* moved that it be recommended to the committee on propositions and grievances; which was lost.

And then the House adjourned until to-morrow morning, 9 o'clock.

*Saturday, January 10, 1829.*

The House met pursuant to adjournment.

*Mr McElderry* presented the account of the sheriff of Morgan county; which was read and referred to the committee on accounts.

*Mr Clark*, from the judiciary committee, to which was referred the engrossed bill, from the Senate, entitled an act more effectually to secure trials in capital cases by impartial juries, reported the same with the following amendments: strike out of the 7th line of the first section these words, 'some child under 10 years of age,' and insert in lieu thereof these words 'the sheriff or coroner, as the case may be.' Strike out the second section of the bill; which amendments were concurred in by the House and the bill ordered to a third reading on Monday.

Mr Tarver, from the committee on accounts, to which was referred the account of Hansen Thrasher, ask leave to be discharged from the further consideration thereof; which was granted.

Mr Parsons, from the judiciary committee, to which was referred the engrossed bill from the Senate entitled an act to amend an act entitled an act to regulate proceedings in chancery suits, passed Jan. 1, 1823, reported the same without amendment. The bill was then laid on the table till the first day of March next.

Mr Parsons, from the judiciary committee, to which was referred the engrossed bill from the Senate entitled an act the better to secure impartial trials by jury in certain cases, reported the bill without amendment. Mr Walker of D. moved to strike out the third section thereof; which was lost. It was then ordered to a third reading on Monday.

Mr Parsons, from the judiciary committee, to which was referred a resolution concerning tales jurors, reported that it is inexpedient to legislate on the subject. In which report the House concurred.

Mr Flournoy, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of imposing by law some adequate penalty upon the judges of the circuit court for failing or neglecting to hold courts in any of the counties of the circuit in which they may preside, reported that it is inexpedient to pass any law on that subject. In which report the House concurred.

Mr Flournoy made the following report: The judiciary committee, to which was referred an engrossed bill from the Senate entitled an act in relation to the appointment and duties of trustees have had the same under consideration and amended the title thereof, by inserting the word *an* before the word *act*. They have also amended the said bill by striking out the words *orphans' court*, wherever they occur and inserting in lieu thereof the words *circuit court*. And they have likewise amended said bill by inserting the word *have* between the words *shall* and *been* in the last line of the first section. In which amendments the house concurred. The bill was then ordered to a third reading on Monday next.

Mr Walker of D. from the select committee to whom was referred the bill to be entitled an act to authorize the judges of the county courts and the commissioners of roads and revenue to emancipate slaves under certain restrictions, reported a substitute in lieu thereof, which was adopted by the house. Mr Terry offered the following amendment to the 2d section: 'which certificate shall contain a description of the slave so emancipated;' which was carried. Mr Bibb of L. moved to strike out of the 1st section of the bill these words, 'or that such slave or slaves shall never become a public charge to any county, town or city in this state;' which was lost. Yeas 29—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Anderson, Banks, Barker, Belser, Bibb of L. Bibb of m. Brandon Brown, Clough, Colgin, Cook, Durrett, Flournoy, Foster, Harris, Lawler, Lea Metcalf, Mims, Mobley, Perkins, Smith of L. Sykes, Townsend of P. Walker of m. Wallis and Whitfield.—Those who voted in the negative are, messrs Bonnell Bridges, Broadnax, Clark, Cawthon, Cole, Coopwood, Dile, Duke, Dupuy, Edmondson, Fearn, Gage, George, Hill, Hodges, Lane, Lewis of F. Mardis, Massey Masgrove, McEldercy, Parker, Parsons, Penn, Pickens, Richardson, Robison, Rogers, Salter, Sanders, Smith of J. Tarver, Terry, Townsend of m. Walker of D. Weissinger and Wellborne.

Mr Parsons offered the following amendment: Sec.—. *And be it further enacted*, That the judge of the court and clerk shall each receive two dollars for their compensation, to be paid by the applicants.

which was adopted. Mr Harris then moved that the bill lie on the table till the 1st day of March next; which was lost. Yeas 28—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Anderson, Banks, Banks, Belser, Bibb of L. Bibb of m. Cawthon, Clough, Colgin, Cook, Dorrett, Flournoy, Foster, Harris, Lea, Mims, Mobley, Perkins, Pickens, Smith of J. Smith of L. Sykes, Townsend of m. Townsend of P. Walker of m. and Wallis. — Those who voted in the negative are, messrs Bonnell, Brandon, Budge, Broadnax, Brown, Clark, Cole, Coopwood, Dale, Duke, Dupuy, Edmundson, Fearn, George, Hill, Hodges, Lane, Lawler, Lewis of F. Mardis, Mossey, Metcalfe, Masgrave, McElderry, Parker, Parsons, Penn, Richardson, Robison, Rogers, Salter, Sanders, Tarver, Terry, Walker of D. Weissinger, Welborne, Whitfield. The bill was then ordered to be engrossed for a 3d reading on Monday.

Mr Penn, from the judiciary committee, to which was referred a resolution requiring the clerks of the county and circuit courts to keep a list of their fees and the fees of sheriffs posted up in their respective offices, reported a bill to be entitled an act concerning the fees of clerks and sheriffs; which was read and ordered to a second reading on Monday.

A message from the Senate, by Mr Lyon: Mr Speaker, The Senate concur in the resolution of the House of Representatives proposing, with the consent of the Senate, that the joint committee on the state bank be instructed to report to both houses of the general assembly, all the correspondence that may have taken place between the banks in Mobile and the state bank, or its agents in relation to any arrangements or propositions to receive the notes of each other in payment or on deposit; and all correspondence or instructions which may have led to a discontinuance of any such arrangement; and have amended the same by striking from the 1st line thereof the word *consent*, and inserting the word *concurrency*, and by adding to the resolution the words *which the committee may deem material*: in which they ask your concurrence. They concur in the amendments made by the House of Representatives to the bill entitled an act for the relief of Jos. Bates, jr. taxcollector of Mobile county. They have also passed bills which originated in the Senate entitled an act to change the times of holding the county court for Tuscaloosa county; an act to authorize the county court of Franklin county to levy a special tax for a certain purpose therein mentioned; and an act to amend an act entitled an act to incorporate Lafayette academy in the village of Lagrange: in which they desire the concurrence of the House of Representatives. They have also passed a bill which originated in the House, entitled an act to appoint a commissioner for the county of Pike.

*Ordered*, That the House concur in the amendments made by the Senate to the resolution mentioned in the said message.

Engrossed bills from the Senate, of the following titles, to wit: An act to change the times of holding the county court for Tuscaloosa county; an act to authorize the county court of Franklin county to levy a special tax for a certain purpose therein mentioned; an act to amend an act entitled an act to incorporate Lafayette academy in the village of Lagrange — were severally read a first time and ordered to a second reading on Monday next.

Mr George, from the judiciary committee, to which was referred a bill to enlarge the times of holding the county courts of Lauderdale county, reported a substitute in lieu thereof; which was adopted by the house. The bill was then ordered to be engrossed for a third reading on Monday.

Mr Colgin, from the committee on roads, bridges and ferries, to which was referred the petitions of sundry citizens of Marengo, Clarke, Washington and Mobile counties, asking the establishment of a state road from

Greensborough to Mobile via Linden in Marengo county, Coffeeville in Clarke county, Washington courthouse in Washington county, and thence to Mobile, reported a bill to be entitled an act to establish a road from Greensborough to Mobile and for other purposes; which was read and ordered to a second reading on Monday.

*Mr Walker* of m. made the following report: The committee on the state bank have had under consideration a resolution proposing the appointment of an agent on the part of the bank to transact its business in Mobile; also inquiring into the propriety of so amending the bank charter as to authorize the president and directors to make a portion of the notes of the bank payable at Philadelphia and New-York. The committee have instructed me to report that it is inexpedient to give the authority proposed in the last branch of the resolution. They have instructed me to report a bill authorizing the appointment of an agent as contemplated by the resolution which is herewith submitted.

*Sam<sup>l</sup> Walker*, chairman.

The same committee reported a bill to be entitled an act to authorize the president and directors of the bank of the state of Alabama to appoint an agent; which was read and ordered to a second reading on Monday next. *Mr Bridges* moved that so much of the report as relates to the appointment of an agent in Philadelphia and New-York be laid on the table; which was carried.

*M Walker* of m. from the committee on the state bank, to which was referred the petition of the planters and merchants of Montgomery county, praying the establishment of a bank in the town of Montgomery, reported that it is inexpedient to establish such bank at this time. *Ordered*, that said report lie on the table.

*Mr Colgin* from the committee on roads, bridges and ferries, to which was referred the petition of sundry inhabitants of Greene county, asking the appointment of commissioners to select a more eligible route for the state road through Big creek swamp from Tuscaloosa to Greensborough, reported it inexpedient to legislate on the subject. The report was then laid on the table.

*Mr Coopwood* made the following report: The select committee to which was referred a memorial to the Congress of the United States, asking relief for the purchasers of public lands, have had the same under consideration, and have instructed me to report the same by amending the substitute thereto, reported by the committee on the state of the republic, by striking out all after the word *ten*, in the twelfth line, to the word *five*, in the 14th line and 8th page, and by inserting after the word *dollars* in the said 14th line, the words *per acre*; which amendments were concurred in by the House, and the memorial ordered to be engrossed for a third reading on Monday next.

*Mr Mardis*, from the select committee to which was referred the engrossed bill from the Senate entitled an act to incorporate Canton academy, in the county of Wilcox, reported the following amendments: amend the title of the bill after the word *Wilcox*, by adding, *and for other purposes*, and by adding thereto two additional sections, No 3 and 4; which amendments were concurred in by the House. The bill was then ordered to read a third time on Monday next.

*Mr Penn*, from the select committee to whom was recommitted a bill to be entitled an act to authorize John W. Hewlett to establish a ferry on Flint river, in the county of Madison, reported a substitute in lieu thereof; which was adopted by the House. The bill was then ordered to be engrossed for a third reading on Monday.

*Mr Bridges*, from the select committee to which was referred the petition of Washington Baldwin, reported a bill to be entitled an act to authorize Washington Baldwin, a minor, to manage his own estate; which was read. *Mr Fearn* then moved that the bill lie on the table till the first day of March next: which was carried.

*Mr Parsons* obtained leave to introduce a bill to be entitled an act to permit nonresident attorneys to practice in this State; which was read and ordered to a second reading on Monday.

*Mr Sanders* called up the bill to be entitled an act to establish an office of discount and deposit of the bank of the State of Alabama in the Tennessee Valley.

*Mr Pickens* called up the bill to be entitled an act to authorize the appointment of supervisors of roads.

*Mr Flournoy* called up the bill to be entitled an act to establish certain election precincts therein named.

*Mr Bibb of m.* obtained leave to introduce a bill to be entitled an act for the better organization of the Morgan cavalry; which was read and ordered to a second reading on Monday.

*Mr Townsend of m.* called up the engrossed bill from the Senate entitled an act to repeal in part an act approved January 13th, 1828, and for other purposes.

The House then proceeded to the orders of the day.

Bills of the following titles, to wit: An act for the relief of Stith Evans, of the county of Greene; an act to repeal in part an act entitled an act to suppress the evil and pernicious practice of firehunting, passed December 12, 1822; were severally read a second time and ordered to be engrossed for a third reading on Monday.

Engrossed bill from the Senate entitled an act to regulate judicial proceedings on records from other States, was read a second time and referred to the judiciary committee.

The engrossed bill from the Senate entitled an act to extend the limits of Clarke county, was read a third time. *Mr Dale* moved to commit the bill to the same committee to which was committed the bill relating to the boundaries of sundry counties therein named; which was lost. Yeas 19—Nays 42.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Banks, Bridges, Broadnax, Clough, Cole, Dale, Edmondson, Lea, Lewis of F. Mims, Parsons, Perkins, Robison, Rogers, Salter, Terry, Walker of D. Wallis, Weissinger and Wellborne.*

*Those who voted in the negative are, messrs Speaker, Adams, Anderson, Barker, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Clark, Caution, Colgin, Corporal, Duke, Dupuy, Durrett, Fearn, Flournoy, Foster, Gage, Harris, Hill, Hodges, Lawler, Mardis, Massey, Metcalfe, Mobley, Musgrove, McElderry, Parker, Penn, Pickens, Sanders, Smith of J. Sykes, Tarver, Townsend of m. Townsend of P. Walker of m. and Whitfield.*

*Mr Mobley* moved to amend the bill by way of the following engrossed rider: After the word *to*, insert *in range five*; which was carried. *Mr Mobley* moved further to amend the bill by way of engrossed rider, by adding sec. no. 3, which was carried; and the question being put, *Shall this bill pass?* it was determined in the affirmative. Yeas 42—Nays 18.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Anderson, Barker, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Clark, Caution, Duke, Dupuy, Durrett, Fearn, Foster, Gage, Harris, Hodges, Lawler, Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Penn, Perkins, Pickens, Richardson, Sanders, Sykes, Tarver, Townsend of m. Townsend of P. Walker of m. and Whitfield.*

*Those who voted in the negative are messrs Bridges Broadnax, Clough, Cole, Dale, Edmondson, Lea, Lane of P. Parsons, Robison, Rogers, Salter, Terry, Walker of D. Wallis, Weissinger, and Wellborne.*

*Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: An act to emancipate a certain slave therein named; an act for the relief of the purchasers of the 16th section in township one and range eleven in Lauderdale county; an act to repeal in part and to amend an act entitled an act to authorize John Smith, of Jefferson county, to emancipate a certain slave therein named; an act to authorize the judges of the county courts and commissioners of roads and revenue of the counties of St. Clair and Shelby, to levy a special county tax for certain purposes therein named; an act to authorize Simon Bowden to emancipate a certain slave, named Peter,—were severally read a third time and passed. *Ordered*, that the titles be as aforesaid, and that they be sent to the Senate for concurrence.

A bill to be entitled an act to give a more speedy remedy on certain bonds therein mentioned, and for other purposes, was read a second time, and ordered to be engrossed for a third reading on Monday next.

Engrossed bill entitled an act to divorce Benjamin D. Hassell from his wife, Mary Hassell, was read a third time. Mr Bonnell moved that the bill lie on the table till this evening. Mr Lawler offered the following proviso: *Provided, that the said Benjamin D. Hassell shall not be entitled to the benefit of the provisions of this act, until he shall secure to the said Mary Hassell the payment of the sum of one thousand dollars.*

Engrossed bill entitled an act to divorce John Layman from his wife Rebecca Layman, was read a third time, and the question being put, *Shall this bill pass?* it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 49—Nays 10.

*Those who voted in the affirmative are messrs Speaker, Anderson, Banks, Barker, Belser, Bibb of L. Bibb of M. Bennett, Brannen, Broadnax, Brown, Clark, Clough, Cook, Coopwood, Dale, Dupuy, Durrett, Edmondson, Fearn, Fierman, Foster, Gage, George, Harris, Hodges, Lane, Lea, Lewis of P. Mims, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Salter, Sanders, Smith of J. Tarver, Terry, Townsend of m. Townsend of P. Walker of D. and Whitfield.*

*Those who voted in the negative are, messrs Colgin, Duke, Lowler, Nardis, Metcalfe, Musgrove, Sykes, Walker of m. Weissinger and Wellborne.*

*Ordered*, That the title be as aforesaid, and that it be sent to the Senate for concurrence.

It being one o'clock, Mr Hill moved, and seconded by Mr Walker of m. that the House do now adjourn until Monday morning 9 o'clock; which was carried. Yeas 49—Nays 13.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Parker, Bibb of L. Bibb of M. Bennett, Brannen, Broadnax, Brown, Cawthon, Colgin, Dale, Duke, Dupuy, Durrett, Fearn, Fierman, Foster, Gage, George, Harris, Hill, Hodges, Lane, Lawler, Lea, Nardis, Mussey, Mims, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Salter, Sanders, Smith of J. Tarver, Terry, Townsend of m. Walker of D. Walker of m. Wellborne and Whitfield.*

*Those who voted in the negative are messrs Belser, Clark, Clough, Cole, Cook, Coopwood, Edmondson, Metcalfe, Mobley, Richardson, Sykes, Townsend of P. and Weissinger.*

And then the House adjourned until Monday morning 9 o'clock.

*Monday, January 12, 1829.*

The House met pursuant to adjournment.

Mr Lane presented the memorial of James Innerrarity, accompanied



with the petition of sundry citizens of the city of Mobile, praying the passage of a law authorizing and empowering said Incarnate, or surviving partner of John Forbes & Co. to sell the real estate of the said firm and to make legal titles thereto; which was read and referred to the judiciary committee, to consider and report thereon.

Mr Bibb of m. presented the petition of Joseph L D Smith, praying a change of venue of a certain law suit pending in the circuit court of Franklin county; which was read and referred to the judiciary committee.

Mr Penn presented the petition of the trustees of the town of Whitesburg, praying an alteration in the law incorporating of said town; which was read and referred to a select committee, consisting of messrs Penn, Fearn and Brandon.

Mr Penn, from the judiciary committee, to which was recommitted a bill to be entitled an act to provide more effectually against extortion by sheriffs, coroners, constables, clerks and justices of the peace, and for other purposes, with the several amendments offered thereto, reported the same without amendment. It was then laid on the table.

Mr Penn from the judiciary committee, to which was referred the engrossed bill from the Senate entitled an act to prevent extortion by public officers and for other purposes, reported sundry amendments by adding thereto sections Nos 5, 6, 7 and 8; which were adopted by the house. Mr Clark moved to amend the bill by adding thereto sections Nos 9, 10 and 11; which were adopted by the house. The bill was then ordered to be read a third time on to-morrow.

Mr Bonnell, from the select committee to which was referred the petition of Oxre Fowles, of the county of Montgomery, praying to emancipate a certain slave therein named, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read and ordered to a second reading on to-morrow.

A message from the Senate, by Mr Lyon: Mr Speaker, The Senate have appointed a committee on their part, consisting of messrs Hubbard, Ross, Evans, Abercrombie and Merriwether, to confer with the committee appointed by the House of Representatives, on the subject of the disagreement between the two houses in relation to the amendments made by the house to the bill entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named.

Mr Parsons, from the select committee to which was referred the bill to be entitled an act to change and designate the boundaries of certain counties therein named, reported the same without amendment. The committee were then discharged. Mr Weissinger moved that the bill lie on the table until the first day of the meeting of the next General Assembly.—And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The House resumed the consideration of Mr Weissinger's motion to lay the bill to be entitled an act to change and designate the boundaries of certain counties therein named, on the table until the first day of the meeting of the next General Assembly; which was carried. Yeas 37—Nays 27.

*The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Banks, Barton, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Carthon, Clough, Cole, Cook, Duke, Dupuy, Durrett, Edmondson, Flournoy, George, Harris, Lane, Lea, Lewis of m. Massey, Metcalfe, Mims, Musgrove, Parker, Perkins, Rogers, Salter, Terry, Townsend of m. Townsend of P. Walker of m. Weissinger and Wellborne.*

*Those who voted in the negative are, messrs Anderson, Barker, Bridges, Clark,*

*Colgin, Coopwood Fearn, Foster, Gage Hill, Hodges, Jawler, Lewis of F. Mardis, McAderry, Parsons Penn, Pickens, Richardson, Robison, Saunders, Smith of J. Sykes, Tarver, Walker of D. Wallis and Whitfield.*

A message from the Governor, by J. I. Thornton, which is as follows:

January 12, 1829.—*Mr Speaker*, I am instructed by the Governor to inform your honorable body that he did on the 9th inst approve and sign the following bills: An act to divorce Matilda S. Chunn from Lancelott Chunn; an act to alter the times of holding the county court of Marengo county, and Monroe county court; an act to authorize the building of a jail in Morgan county; an act to repeal in part a resolution entitled a resolution relative to the militia laws of this state, approved Jan 13, 1827; and an act to appoint commissioners to take charge of the public property in the county of Dallas: all of which originated in the House of Representatives.

*Mr Lewis of F.* from the select committee to which was referred the petition of Aaron Alred, Alexander Martin and Willis H. Pruitt, report a bill to be entitled an act for the compensation of certain persons therein named; which was read and ordered to a second reading on to-morrow.

*Mr Wellborne* made the following report: The special committee to which was referred a bill to be entitled an act to change the times of holding the county courts of Jackson county and for other purposes, have had the same under consideration and instructed me to report it with amendments, viz: Strike out the word *first* where it occurs in the fourth line of the first section and insert *second*. Strike out the word *first* where it occurs in the fourth line of the second section and insert *second*. In which amendments the house concurred. The bill was then ordered to be read a third time on to-morrow.

*Mr Townsend of m.* from the select committee to which was referred the petition of sundry inhabitants of Mobile county, praying that a part of said county may be attached to Washington county, reported a bill to be entitled an act to alter the boundary line between the counties of Mobile and Washington; which was read and ordered to a second reading on to-morrow.—*Mr Lewis of m.* made the following report:

The Joint Committee appointed by the General Assembly to examine the situation and condition of the Bank of the State of Alabama respectfully report: That in the discharge of the duties assigned them, they in the first place proceeded to inquire into the solvency of the debtors to the institution by all the means within their control. This examination presented the result of 8507 dolls. in doubtful debts, and of 8606 dolls. in bad debts. The exhibit marked A shows the bad and doubtful debts which have been discovered and the counties in which the debtors reside. It is due to the board of directors to state that but a small and decreasing amount of bad and doubtful debts compared with the results of previous years, appear to have been contracted during the present term of their service. It was apparent to the committee that the least secure debts due to the bank, were such as were due on the longest term of credit, and most of which were contracted more than three years ago. It is to be anticipated that a still more general acquaintance with the credit of individuals, and a discrimination, the result of longer experience on the part of the several officers of the bank will in future greatly lessen the amount of bad debts. By an examination of the debts due the bank for two successive years it will be found that the number of doubtful debts are progressively decreasing, though the operations of the bank have been regularly increasing. Exhibit B shows the operations of the bank from the 21st day of December, 1827, to the 5th day of January, 1829, inclusive. By the expose it will be seen that the bank is liable for the sum of 475,233 dolls. 19 1-2 cents. This sum consists of the amount due to individual depositors, and the notes of the bank in circulation; and the means of meeting this liability consists of specie on hand, notes of other banks, bills of exchange and accounts due in account from other banks. These several funds amount to 575,099 66 1-4 showing an excess of 99 794 dolls. 46 3-4 cts in available means over and above the liabilities of the bank. In addition to the amount of 575,099 dolls. 66 1-4 cents above alluded to, which constitutes a fund admitting of the readiest application to any possible

Emergency, there is due to the bank on individual notes discounted 344,687 dolls. 78 cts. With the above means at the disposal of the bank, the prudent which has heretofore characterized the board of directors and its several officers, will doubtless sustain the institution in a course of successful operation. In obedience to a request of the committee to-day has furnished an expose of the items composing the general account of individual depositors, which is herewith submitted—marked C. and by reference to which it will be discovered that of the whole account, amounting to 135,682 dollars 19 1-2 cts., only 20,044 19 1-2 cents is subject to be checked for by individuals. The less apprehension therefore can be entertained of inconvenience arising from an unexpected or capricious check on the bank for the amount of such deposits. The committee beg leave to present a letter received by them from the president, urging the necessity of an additional clerk or bookkeeper for the bank, a copy of which is herewith enclosed—marked D. They would respectfully suggest that during the time they have been engaged in their examination of the bank they have observed, with every possible diligence on the part of the officers of the bank, the greatest press of business has been sustained. They deem it impossible, when the labours of the officers shall have been increased, by keeping a separate account of deposits with every six centh section which may be sold in the state under the act of the last legislature, that the accuracy which so eminently characterize their business at present can be maintained. They would therefore respectfully submit the propriety of authorizing the directors to employ an additional clerk for at least four months in each year.

*Dixon H. Lewis, Chairman of the House of Representatives.*

*John Watkins, Chairman of the Senate.*

**EXHIBIT A**—Showing the bad and doubtful debts of the bank of the state of Alabama: Mingo count 400 dollars, bad—Bibb 176, doubtful—Pike 120 bad—Jackson 3160 bad; 1800 doubtful—Lauderdale 1000 do—Greene 730 bad—Jefferson 335 bad; 700 doubtful; Pike 477 bad—Conecuh 1385 bad—Limestone 190 bad; 240 doubtful—Lawrence 4600 doubtful. Total, bad 8507; doubtful 2606.

(B.) An exhibit showing the result of the operations of the bank of the state of Alabama, from the 21st day of December, 1827, to the 6th day of January, 1828, inclusive: Capital stock 451,094 dolls. 60 3-4 cts.—Notes of the institution in circulation 3,903 dollars—Due to individual depositors 135,682 dollars 19 1-2 cts.—Balance on the 21st Dec. 1827, as per last report 3555 dolls. 82 cts. and profits from 21st Dec. 1827 to Jan. 6, 1828, is 52,639 dolls. 49 cts. making 55,595 dolls. 31 cts. Total *D* 9619 5 11 1-4.

Due on individual notes discounted 344,687 78—Banking house at Cahawba at cost 1093 67, and banking house and lot at Tuscaloosa at cost 4600 15, making 56,582—Postage expense acct being amt paid for book furniture 597 67—Due from solvent banks on account 59,658 31 1-2, notes of other solvent banks on hand 81,731, specie 39,210 32 3-4, counterfeited notes 273 bills of exchange on New Orleans and Mobile 595 59 93 making 57,377 53 3-4—Paid interest and dividends to the several funds composing the capital, up to the 9th day of Nov. last 51,658 21—Total *D* 911,385 11 1-4.

(C.) Bank of the State of Alabama, Tuscaloosa, Jan. 10, 1828. Sir: In compliance with your request I have the pleasure herewith to furnish you an expose of the items composing the general account of individual depositors, amounting as reported in your exhibit of the 6th inst. to 135,682 dollars 19 1-2 cts. The items are as follows: viz: To the credit of the state treasurer 56,792—do do university fund and agent 10,546—as partial payments on notes 38,300—to the credit of individuals for general acct and subject to be checked for 20,044 19 1-2—making 135,682 19 1-2. Very respectfully submitted, J. B. COOK, Cashier.

From D. H. Lewis, chairman of the committee on the part of the H. of Reps.

(D.) Copy of a letter from Benj. B. Fountain to the committee on the state bank, dated Bank of the state of Ala. Tuscaloosa, Jan. 8, 1828. Gentlemen—I am requested by a resolution of the board of directors to communicate to the joint committee on the state bank, the necessity of employing an additional clerk or bookkeeper for this bank for at least four months in each year. The board are of opinion that it would be improper for them to employ and pay an additional officer, without being authorized to do so by the legislature, and to attain that object in the most expeditious way they have deemed it best to bring the matter before you, hoping and soliciting that you will take it into consideration as soon as practicable; and if you sustain them in the opinion that an additional officer is necessary, that you will represent the same to your respective houses. By an examination of the several officers I perceived myself that you will agree with the board of directors, that it is impossible to perform their duties with that accuracy and despatch which is indispensable in banking institutions. You will find that the teller is unable to settle his cash account oftener than twice a week, and which should be done every evening to test the correctness of the day's transactions. I have the honor to be very respectfully, &c, (Signed) BENJ. B. FOUNTAIN, Pres't

*Ordered*, That said report lie on the table till to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

*Tuesday, January 13, 1829.*

The House met pursuant to adjournment.

Mr Coopwood moved that one thousand copies of the report of the joint committee on the state bank be printed for the use of this house; which was carried.

Mr Massey presented the petition of sundry inhabitants of Coosa valley praying the organization of a new county in said valley; which was read and referred to a select committee, consisting of messrs Massey, Barker, Mardis and Lawler, to consider and report thereon.

Mr Whitfield presented the petition of sundry inhabitants of the lower town of Tuscaloosa, asking remuneration for money they have expended for the building of the courthouse in said town; which was read and laid on the table.

Mr Perkins presented the petition of sundry physicians of the town of Tuscaloosa, praying the establishment of a medical board in said town; which was read and laid on the table.

Mr Coopwood, from the committee on the state capitol, to which was referred a resolution instructing them to inquire of the state architect, whether the present appropriation for the public buildings would be sufficient to complete the capitol or not, and whether the same would be completed by the meeting of the next General Assembly, reported that the said committee had had the subject under consideration, and instructed him to address a letter to the state architect, asking the information contemplated by the resolution, which duty he had performed, and received for answer the letter therewith submitted for the information and satisfaction of the House.

*State Capitol, January 8, 1829.*

Hon. Thomas Coopwood, Chairman of the committee of Representatives on the the State Capitol—Sir, Your note of the 6th inst. calls on me to answer the following inquiries:—1st. Will the present appropriation be sufficient to complete the building? If not, what additional sum will be required? A precise reply to this question cannot be made until after closing the remaining contracts for joiner's and plasterer's work, &c. If they shall be made on terms as favorable to the State as former ones, and which I have but little doubt of, then will the present appropriation be nearly sufficient to complete the building. According to my best judgment, an additional sum of five thousand dollars will entirely effect it. 2. Are you of opinion that the capitol can be completed by the meeting of the next General Assembly? I cannot undertake to say that the building will be entirely completed by the next meeting of the General Assembly, but I can confidently assure the honorable committee that the legislative halls, and all the material part of the building will be completed by that time; and if the whole of the works are not then finished, it shall not be for want of exertion in, sir, your very respectful, obedient servant,

WM. NICHOLS, State Architect.

*Ordered*, that said report lie on the table.

Mr Pickens made the following report: The committee on enrolled bills have examined, and find correctly enrolled, bills, originating in the Senate, of the following titles, to wit: An act for the relief of Joseph Bates, taxcollector of Mobile county; an act to authorize Zachariah Holly to emancipate a certain slave therein named; an act authorizing the liberation of certain slaves; also, bills, originating in this House, of the following titles, to wit: An act prohibiting certain persons from exercising the powers of justices of the peace and constables of this State; an act to appoint a commissioner for the county of Pike; an act to amend an act entitled an act to provide for keeping in repair a certain road therein

mentioned; an act to authorize guardians to bring the slaves of their wards into this State without restriction.

Mr Townsend of m. from the committee on schools, colleges and universities, and school and university lands, to which was referred an engrossed bill from the Senate to authorize the sale of sixteenth sections, reported the bill without amendment. It was then ordered to a third reading on to-morrow.

Mr Bibb of m. from the same committee, to whom was referred the petition of John Galbird of Monroe county, praying the board of trustees and the general assembly to take into consideration the propriety of selling certain university lands therein described, accompanied with a message from his excellency the governor on the same subject, and also a bill to be entitled an act to authorize the trustees of the university of the state of Alabama to sell and dispose of the unsold university lands in Jefferson county, reported a substitute in lieu thereof; which was adopted. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Barker made the following report: *The committee on schools, colleges and universities, and school and university lands, to which was referred the bill to be entitled An act to set apart the interest accruing to the state each and every year, upon 100,000 dollars, funds of the university of Alabama, for the education of the extreme poor of the state and for other purposes, have agreeably to order had the same under consideration, and have instructed me to report, that they applaud the philanthropic mind that devised the plan proposed, but are, from the infancy of the institution, and the uncertainty of a large portion of the funds belonging to it, unwillingly constrained to report that although it is a measure that can, they trust, be adopted with the greatest advantage to the future interest of the state, and in strict conformity with the intention of the munificent donors, at a subsequent period, yet it would be premature at this time to report such a bill, and consequently request to report the same without amendment.* Mr Clark moved to amend the report by striking out the following words: *applaud the philanthropic mind that devised the plan proposed, but;* which was carried. Mr Coopwood moved to refer the bill to a select committee, and thereupon messrs Coopwood, Barton, Mardis, Clark and Walker of D. were appointed the committee.

Mr Parsons moved that the committee appointed on the part of this House, to confer with the committee appointed on the part of the Senate, on the disagreement between the two houses in relation to the engrossed bill to be entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, have leave to sit during the sessions of the house; which was carried.

A message from the Senate, by mr Lyon: Mr Speaker, the Senate have passed bills which originated in their house entitled an act to compel the president and trustees of the town of Moulton to keep their streets in repair and for other purposes; an act prescribing the mode of obtaining the testimony of certain state and other officers therein named; and an act supplementary to an act entitled an act to incorporate the Cahawba navigation company: in which they desire your concurrence. They have also passed bills which originated in the House of Representatives entitled an act to repeal a certain act therein named; an act for the relief of Henry Linton; an act to authorize the draining of certain ponds in the county of Madison. They have adopted the following resolution, in which they desire the concurrence of the House of Representatives: *Resolved, with the concurrence of the House of Representatives, that the*

Two houses of the General Assembly will on the 22d inst. adjourn *sine die*. They also on yesterday adopted the following resolution, proposing to go into the election of a president and twelve directors of the bank this evening at 6 o'clock: *Resolved*, that, with the concurrence of the House of Representatives, the two houses of the General Assembly will convene to-morrow at 6 o'clock, p. m. (to-day) in the representative hall, for the purpose of electing a president and twelve directors of the bank of the state of Alabama: in which they desire the concurrence of the House.

Mr Coopwood moved to amend the resolution by striking out *6 o'clock this evening*, with a view to insert *2 o'clock on Saturday next*; which was carried. Mr Smith of L. moved further to amend the same by adding the words *state printer and a portwarden for the city of Mobile*; which was carried. The resolution as amended was then concurred in by the house.

Mr Coopwood noted that so much of said resolution as relates to the adjournment of the two houses on the 22d inst. be laid on the table; which was carried.

*Ordered*, That *mr Bridges* be added to the committee on ways and means.

Engrossed bills from the Senate, of the following titles, to wit: An act supplementary to an act entitled an act to incorporate the Cahawba navigation company; an act prescribing the mode of obtaining the testimony of certain state and other officers therein named; an act to compel the president and trustees of the town of Moulton to keep their streets in repair and for other purposes;—were severally read and ordered to a second reading on to-morrow.

Mr Lewis of F. obtained leave to introduce a joint memorial to the Congress of the United States, asking for a modification of the act granting certain relinquished lands to the state of Alabama; which was read and ordered to a second reading to-morrow.

Mr Coopwood presented the petition of the administrators of Charles Pearson, dec'd, late taxcollector of Lawrence county, asking relief; which was read and referred to a select committee, consisting of messrs Coopwood, Wallis and Hodges.

Mr Townsend of m. from the committee on schools, colleges and universities, and school and university lands, to which was *referred* the engrossed bill from the Senate entitled an act to revive and continue in force a certain act therein named, *reported* the same without amendment. The bill was then laid on the table.

Mr Brandon obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to authorize executors and administrators to make titles to real estate sold by their testator or intestate, passed the 24th of December, 1812; which was read and ordered to a second reading to-morrow.

Mr Dupuy obtained leave to introduce a bill to be entitled an act to ascertain the boundaries of certain counties therein named; which was read and ordered to a second reading to-morrow.

Mr Perkins obtained leave to introduce a bill to be entitled an act requiring additional duties of the president of the state bank; which was read and ordered to a second reading to-morrow.

And then the House adjourned till 3 o'clock this evening.

*Evening Session, 3 o'clock* — The House met pursuant to adjournment.

Mr Gage obtained leave to introduce a bill to be entitled an act to incorporate the agricultural society in the town of Greensborough; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time

forthwith, and ordered to be engrossed for a third reading on to-morrow.

The engrossed joint resolutions from the Senate, proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges' office to six years, was read a second time and referred to a select committee, consisting of messrs Coopwood, Clark, Bridges, Walker of D. and Harris.

Mr Lewis of m. from the select committee to which was referred the petition of sundry citizens of the town of Montgomery, reported a bill to be entitled an act to incorporate the Montgomery wharf and steamboat company; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed and read a third time to-morrow.

The House then proceeded to the *orders of the day*.

A bill to be entitled an act for the relief of Henry T. Anthony was read a second time. Mr Clark moved to strike out the second section of the bill; which was carried. It was then ordered to be engrossed for a third reading on to-morrow.

The engrossed bill entitled an act for the relief of Elijah Smith, taxcollector of Franklin county, was read a third time, and the question being put, *Shall this bill pass?* it was determined in the affirmative. Yeas 30—Nays 21.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Bonnell, Brandon, Bridges, Colgin, Dale, Duke, Edmondson, Ferguson, Gage, Harris, Hodges, Lane, Lawler, Lea, Lewis of F. Metcalfe, Moss, Noble, Parker, Pickens, Sanders, Sykes, Turver, Walker of D. Walker of A. Wallis, Weissinger and Whitfield.*

*Those who voted in the negative are, messrs Ambrister, Anderson, Barker, Bibb of m. Brown, Clark, Cole, Coopwood, Dupuy, Foster, Hill, Mardis, Messy, Messinger, McElderry, Penn, Robinson, Smith of J. Townsend of P. and Whitmore.*

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit: an act to establish a ferry on the Alabama river at Gristown, and for other purposes; an act prescribing the duties of the commissioners appointed to superintend the erection of the state capitol; and an act the more effectually to prevent the profanation of the Sabbath, by the loading and unloading of boats and other water craft, at the port of South Florence, in the county of Franklin;—were severally read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to authorize the turnpiking of a certain road therein named, was read a second time. Mr McElderry offered to amend the bill by way of the following proviso: *Provided*, nothing herein contained shall be so construed as to abolish, interfere with or obstruct the road heretofore established from Ditto's landing to said Mead's. Mr Clay moved to amend Mr McElderry's amendment with the following: Until the road, the establishment of which is hereby intended, is declared, by the proper authority, to be in good repair; which was carried. The amendment as amended was then adopted. Mr Bibb of m. offered the following proviso: *Provided*, that no toll shall be required of any of the citizens of Morgan county for travelling said road; which was lost. Yeas 20—Nays 24.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Banks, Belser, Bibb of m. Bonnell, Bridges, Colgin, Edmondson, Gage, Harris,*

*W. H. Lane, Mobley, McElderry, Parker, Penn, Robinson, Sanders, Smith of E. Sykes and Turner*

*Those who voted in the negative are, messrs Speaker, Ambrister, Anderson, Barker, Brandon, Brown, Clark, Cole, Cooprond, Dale, Foster, Hodges, Leuter, Missy, Metcalfe, Mins, Musgrove, Pickens, Smith of J. Walker of m Wallis, Wisinger, Welbourne and Whitfield.*

The bill was then ordered to be engrossed for a third reading to-morrow.

And then the House adjourned until to morrow morning, 9 o'clock.

*Wednesday, January 14, 1829.*

The House met pursuant to adjournment, and there not being a quorum present, the House adjourned to 10 o'clock.

*Ten o'clock.*—The House met pursuant to adjournment.

On motion of *Mr Bibb of L. Ordered*, That Mr Cawthon have leave of absence for the remainder of the session.

Mr Banks presented the petition of sundry inhabitants of Tuscaloosa county, praying that the county courts for Tuscaloosa county be holden over the markethouse in the old town of Tuscaloosa; which was read and laid on the table.

Mr Clark presented the memorial of Daniel Harrison, assessor and tax collector of Bibb county, accompanied with the petition of sundry inhabitants of said county, asking relief; which was read and laid on the table.

Mr Cook, from the judiciary committee, to which was referred the engrossed bill from the Senate entitled an act prescribing the mode of trying contested elections of certain county officers, reported the same with sundry amendments, by adding thereto sections numbered 10 and 11; which were adopted by the House, and the bill was then ordered to be read a third time on to-morrow.

Mr Cook, from the judiciary committee, to which was referred the resolution concerning juries of the county courts, reported a bill to be entitled an act regulating the juries of the county courts; which was read and ordered to a second reading to-morrow.

Mr Penn, from the judiciary committee, to which was referred a bill to be entitled an act more effectually to prevent a trespass or a forcible or unlawful entry and detainer, reported a substitute in lieu thereof; which was adopted by the house. It was then ordered to be engrossed for a third reading on to-morrow.

Mr Pickens made the following report: *The committee on enrolled bills have examined and find correctly enrolled bills, originating in this House, of the following titles, to wit: an act for the relief of Henry Linton; an act to repeal a certain act therein named; an act to authorize the draining of certain ponds in the county of Madison.*

Mr Cook from the select committee to which was referred the bill to be entitled an act to annex township No 8 in range No 18, and a part of the township No 8 in range No 17, to the county of Pike and for other purposes, reported a substitute in lieu thereof; which was adopted, and the bill ordered to be engrossed for a third reading to-morrow.

Mr Anderson, from the select committee to which was referred the bill to be entitled an act to reduce into one the several acts allowing fees to sheriffs, reported the same with sundry amendments; which were concurred in by the house, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Ambrister, from the select committee to which was referred the petition of Wm. Owens and others, praying the passage of a law authorizing



them to turnpike a certain road therein named, reported that it is inexpedient to grant the prayer of the petitioners at this time; which report was concurred in by the house.

Mr Clark obtained leave to introduce a bill to be entitled an act for the relief of the securities of Daniel Harrison, taxcollector for the county of Bibb for the year 1828, which was read and ordered to a second reading on to-morrow.

Mr Dale offered the following resolution: *Resolved*, That hereafter the hour of meeting in the morning shall be at half past nine o'clock; which, agreeably to a rule of the house, lies on the table until to-morrow.

Mr Mardis called up the bill to be entitled an act to amend an act entitled an act to regulate the rate of interest.

Mr Hodges obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to regulate proceedings in suits at common law, passed Dec. 20th, 1820; which was read and ordered to a second reading on tomorrow.

A message from the Senate, by Mr Lyon: *Mr Speaker*, The Senate have passed bills, which originated in the House of Representatives, entitled an act to refund the county treasury of Wilcox county a sum of money therein mentioned; an act for the relief of George A. Campbell, assessor and taxcollector for Autauga county; and an act to discontinue and establish certain election precincts therein specified; and have amended the latter bill by adding thereto three additional sections: in which they desire your concurrence. *Ordered*, that the House concur in the said amendments to said bill.

Mr Coopwood called up the engrossed joint resolutions from the Senate proposing amendments to the constitution of this state, so as to have biennial sessions of the General Assembly thereof. Mr Clark offered the following: amend the resolutions by striking out all after the words *to wit*, and insert the following at the end of the 3d article, sec. 20: *The General Assembly of the the state of Alabama shall not continue in session at any session thereof longer than four weeks, including the day of convening.* Mr Coopwood moved to amend Mr Clark's amendment, by striking out the words *four weeks*; which was carried. Mr Smith of L. moved that the amendment lie on the table till the first Monday in August next; which was carried. Yeas 45—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Bibb of L. Bibb of m. Beardsell, Brandon, Brown, Cole, Coopwood, Dale, Duke, Depuy, Derrett, Edmondson, Foster, George, Harris, Hodges, Lea, Lewis of F. Mardis, Massey, Metcalf, Mims, Mobley, Musgrove, McEldercy, Parker, Penn, Perkins, Rogers, Sanders, Smith of J. Sykes, Tarver, Townsend of m. Walker of D. Walker of m. Wallis, Weissinger and Wellborne.—Those who voted in the negative are, messrs Belser, Bridges, Clark, Clough, Cook, Flournoy, Gage, Hill, Lawler, Pickens, Robison, Townsend of P. and Whitfield.

Mr Walker of D. then moved that the resolutions be referred to the judiciary committee, with instructions to report on Friday next, and that they be made the special order of the day for Friday next.

A message from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, Tallahassee, January 13, 1829.

*The Hon the Speaker and Members of the House of Representatives*

Gentlemen—I have the honor to transmit you a memorial of certain merchants, bankers and citizens of New York, and a memorial of citizens of Mobile, on the subject of appointing commissioners in the several states, and especially at New-York, Philadelphia and Boston, to take the acknowledgements and proof of deeds, mortgages, powers of attorney, and all instruments under seal. The provision which is already made by the laws of the state, seems to be confined to deeds and conveyances for real estate, and even

in these cases might be made more convenient by the additional appointment of commissioners, who see social duty as well as interest it would be to give prompt and careful attention to such business. I beg leave to submit to the provident wisdom of the General Assembly, whether the appointment of commissioners might not facilitate the necessary transactions of merchants, traders and others, according to the suggestions contained in the memorials. I have the honor to be most respectfully &c &c ob<sup>d</sup> serv<sup>t</sup>. J. MUIPHY.

*Ordered*, That said message, together with the accompanying documents, be referred to the judiciary committee.

The House then proceeded to the orders of the day.

Bills of the following titles, to wit: An act to authorize Wm. Johnson, sen. to grant titles to purchasers of lots in the town of Pickens; an act to establish a bridge across Wills' creek, in St Clair county, and for other purposes; an act to divorce Margaret Trimble from her husband Robert C. Trimble; an act to repeal in part and amend an act entitled an act defining the liability of endorsers and for other purposes, approved Jan. 15, 1828; an act to change the name and legitimate a certain person therein named; and an act to incorporate the town of Cottonport;—were severally read a second time and ordered to be engrossed for a third reading tomorrow.

Engrossed bills of the following titles, to wit: An act to incorporate the Mobile marine railway and insurance company; joint memorial to the Congress of the United States in favor of Col David White; an act to legalize registering certain deeds or conveyances of lands in this state; an act for the relief of Susanna Casey; an act to authorize George W. Stoneroad to emancipate certain slaves therein mentioned; and an act respecting bail;—were severally read a third time and passed. *Ordered*, That the titles be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to repeal an act entitled an act to increase the capital of the bank of the state of Alabama, approved Jan. 12, 1828. *Mr* Coopwood moved that the further consideration of the bill be postponed till the 4th day of July next; which was carried.

Engrossed bill entitled an act to authorize the sheriff of Fayette county to execute precepts from justices of the peace, was read a third time and laid on the table.

Engrossed bill entitled an act for the relief of Wm. May and Jas. Reynolds, was read a third time. *Mr* Walker of D. moved to annex the bill by way of the following engrossed rider: after the word *Reynolds*, in the 1st section, add the words *or his legal representatives*; which was carried. *Mr* Walker of D. moved to amend the bill by way of engrossed rider, by adding thereto section No 2; which was carried. *Mr* Perkins moved to amend the bill by way of engrossed rider, by adding a proviso at the end of the 2d section; which was carried. And the question being put, *Shall this bill pass?* it was determined in the affirmative. Yeas 36—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Belser, Bibb of L. Bibb of m. Bonnell, Brandin Bridges, Clough, Cook, Coopwood, Dale, Duke, Dorrett, Edmondson, Flournoy Gage, George, Harris, Hodges, Lane, Lewis of F. Metcalfe, Mims, Perkins, Pickens Robinson, Smith of L. Tatver, Townsend of m. Townsend of P. Walker of D. Walker of m. Willis and Welbourne.—Those who voted in the negative are, messrs Anderson, Barker, Brown, Clark, Cole, Dupuy, Foster, Hill, Lawler, Lea Mardis, Massey, Mobley, Musgrove, McElderry, Parker, Penn, Rogers, Sanders Smith of J. Sykes, Weissinger and Whitfield.

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to alter the times of holding courts in the sixth circuit, was read a 2d time and referred to the judiciary committee.

A bill to be entitled an act more fully to provide for the advertising of lands and negroes levied on by the sheriff of Montgomery county, was read a second time. *Mr* Pickens moved to amend the bill by adding thereto an additional section No 4; which was adopted. It was then ordered to be engrossed for a third reading tomorrow.

A bill to be entitled an act to compel owners of hired slaves to pay reasonable bills to physicians, was read a second time and referred to a select committee, consisting of messrs Mardis, Smith of L. and Brandon.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

Engrossed bill entitled an act to incorporate the Athens male academy, in Limestone county, was read a third time. *Mr* Bibb of L. moved to amend the bill by way of engrossed rider, by adding thereto sections Nos 3, 4 and 5; which was adopted. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

*Mr* Perkins called up the bill to be entitled an act to amend an act entitled an act to provide for the establishment of the permanent seat of justice for the county of Walker, passed Jan. 15, 1828. It was referred to the same select committee to which was referred a bill on a similar subject.

Engrossed bills of the following titles, to wit: An act supplementary to an act entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo, passed at the present session of the legislature; an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax; an act to authorize Hector Garrett to emancipate certain slaves therein mentioned; an act authorizing Wm. Burn and Wm. W. Prewet to continue their mill on Paintrock river; an act to repeal in part an act to locate the seat of justice for Fayette county passed Jan. 12, 1826; an act to incorporate the trustees of the Wilcox society for the encouragement of literature; and an act to provide for the payment of grand and petit jurors in the county of Jackson;—were severally read a third time and passed. *Ordered*, That their titles be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A bill to be entitled an act to appoint commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was laid on the table till tomorrow.

The joint memorial to the Congress of the United States, asking for a modification of the act granting certain relinquished lands to the State of Alabama, was laid on the table till tomorrow.

Engrossed bills from the Senate of the following titles, to wit: An act to alter and amend an act entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone; an act to change the time of holding the county courts of Franklin county; engrossed joint memorial to the Congress of the United States in behalf of Sally Halton and William Merrell; an act to amend in part the 4th section of an act, passed at the last session of the General Assembly, appointing commissioners for Dale county, and for other purposes; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

**Bills of the following titles, to wit: An act to repeal in part and amend a certain act therein named concerning strays; an act to raise money for the purpose of conveying water into the town of Tuscaloosa; were severally read a second time and ordered to be engrossed for a third reading on to-morrow.**

**Mr. Weissinger moved that the bill to be entitled an act to change and designate the boundaries of certain counties in this State, be spread on the journals of this House; which was carried. Yeas 37—Nays 19.**

The yeas and nays being tested, those who voted in the affirmative are, messrs Speaker, Anderson, Bonnell, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Dorrett, Flournoy, Foster, George, Hill, Hodges, Lea, Lewis of F. Metcalfe, Mims, Musgrove, Parker, Perkins, Pickens, Robison, Sanders, Smith of J. Smith of L. Talver, Townsend of P. Walker of D. and Weissinger.

Those who voted in the negative are, messrs Ambrister, Banks, Barker, Belser, Bibb of L. Bibb of M. Harris, Lane, Lawler, Mardis, Mobley, McElderry, Funn, Rogers, Sykes, Townsend of M. Walker of M. Wallis and Whitfield.

A bill to be entitled an act to change and designate the boundaries of certain counties therein named—Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the boundaries of the county of Wilcox shall hereafter be as follows, to wit: Beginning at a point on the Alabama river where the township line, dividing townships 9 and 10, crosses said river; thence in a direct line to the southeast corner of township 9, in range 9; thence east along said township line, between townships 8 and 9, to the western boundary line of Butler county; thence north along said line to the township line between townships 11 and 12; thence east along said township line to the range line between ranges 12 and 13; thence north along said line to the township line dividing townships 12 and 13; thence west along said line to Cedar creek; thence down said creek to the Alabama river; and thence down said river to the place of beginning.

Sec. 2. Be it further enacted, That all that part of Wilcox county lying west of the Alabama river, and north of the township line dividing townships 10 and 11, be and the same is hereby attached to, and shall hereafter form a part of, Marengo county, and the remaining part of the county of Wilcox, west of the river and south of the said township line, between townships 10 and 11, be and the same shall hereafter form a part of the county of Clark.

Sec. 3. And be it further enacted, That all that part of the counties of Dallas and Montgomery, bounded as follows, to wit: beginning at the mouth of cedar creek; thence up said creek to the township line between townships 12 and 13; thence east along said line to the range line dividing ranges 12 and 13; thence south along said range line to the township line between townships 11 and 12; thence east along said township line to the range line dividing ranges 16 and 17; thence north along said range line to the Pitalala creek; thence down said creek to its junction with the Alabama river; thence down said river to the place of beginning;—shall hereafter be formed into a separate and distinct county; which shall be called ——— county.

Sec. 4. And be it further enacted, That the county of Dallas shall hereafter be bounded as follows, to wit: beginning at the mouth of the Mulberry creek; thence up said creek to where the township line between townships 20 and 21 intersects said creek; thence west along said township line to the Cahawba river; thence down said river to where township line between townships 19 and 20 intersects the same; thence in a direct line to the southeast corner of township 18, range 6; thence west along said township line to the range line dividing ranges 5 and 6; thence south along said range line to Chalache creek; thence down said creek to its junction with the Alabama river; thence up said river to the place of beginning.

Sec. 5. And be it further enacted, That the boundaries of Perry county shall hereafter be as follows, to wit: beginning where the township line between townships 22 and 23 strikes the Warrior river; thence east along said township line to range line between ranges 6 and 7 to the Bibb county line; thence along said line of Bibb county to where it strikes the Cahawba river; thence down said river to a point where the township line dividing townships 19 and 20 intersects the same; thence in a direct line to the southwest corner of township 18, in range 7, east; thence west along township line dividing townships 17 and 18 to the southwest corner of township 18, range 4, east; thence in a direct line to the most southwestern bend of the Warrior river, in township 18, in range 3, east; thence up the river to the beginning.

Sec. 6. And be it further enacted, That, hereafter, the boundaries of Greene county shall be as follows, to wit: Commencing at the mouth of Grant's creek; thence a due west course to the range line dividing ranges 3 and 4, east; thence north along said range line to the basis meridian line; thence west along said line two miles; thence a north direction

bill it strikes the Sipsie river, about the centre of township 21 in range 12, west, north of the beforementioned basis line; thence a due west course to the Tombeckbe river; thence down said river to its junction with the Warrior river; thence up the Warrior river to the place of beginning.

Sec 7. And be it further enacted, That the boundaries of Pickens county shall hereafter be as follows, to wit: Beginning at a point on the Tombeckbe river where the northern boundary line of Greene county strikes the same; thence up said river to the Mississippi line; thence up said line, north, to the township line dividing townships 14 and 15; thence east along said line until it strikes the Sipsie river; thence down said river to where the Greene county line strikes the same; thence west along said line to the place of beginning.

Sec 8. And be it further enacted, That, hereafter the boundaries of Fayette county shall be as follows, to wit: Commencing about two miles north of township line dividing townships 13 and 14 on the Sipsie river, thence due east to the Warrior river; thence down said river to the township line dividing townships 17 and 18; thence along said township line west to the Sipsie river; thence up said river to the place of beginning.

Sec. 9. And be it further enacted, That the boundaries of Marion county shall hereafter be as follows, to wit: Commencing north on the range line dividing range 10 and 11; thence south along said line to the northern line of Fayette county; thence west to the Sipsie river; thence down the same to where township line dividing townships 11 and 12 crosses the same; thence west along said line to the Mississippi line; thence up said line as heretofore.

Engrossed bill from the Senate entitled an act to emancipate certain slaves therein named, was read a second time and ordered to be read a third time to-morrow.

Engrossed bill from the Senate entitled an act to alter and change a certain part of the road leading from Florence, in Lauderdale county, to Athens, in Limestone county, was referred to the delegation from Lauderdale and Limestone counties.

Engrossed bill entitled an act to divorce John Lindsay from his wife, Abbey Lindsay, was read a third time, and the question being put, Shall the bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 51—Nays 1.

Those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Baker, Belser, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Brown, Clough, Cole, Colvin, Cook, Coopwood, Dale, Depoy, Durrett, Edmondson, Flournoy, Foster, George, Harris, Hill, Hodges, Lane, Lawler, Lea, Lewis of F. Mardis, Messy, McCallie, Meigs, Mobley, Misgrove, McElderry, Parker, Penn, Perkins, Pickens, Robison, Rogers, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Townsend of P. Walker of D. Walker of m. Weissinger and Whitfield.

Mr Clark voted in the negative.

The bill was then passed. *Ordered*, That the title be as aforesaid — *Ordered*, That the same be sent to the Senate for their concurrence.

Engrossed bill entitled an act to amend an act entitled an act to establish and improve a certain road therein mentioned, approved January 13, 1826, was read a third time. Mr Bridges moved to amend the bill by way of engrossed rider, by adding thereto an additional section, No 6; which was adopted. Mr Bridges moved further to amend the title of the bill by adding thereto the words *and for other purposes*; which was carried. *Ordered*, That the title be as aforesaid, and that it be sent to the Senate for concurrence.

A bill to be entitled an act to establish a certain election precinct therein named, was read a second time. Mr Foster moved to amend the bill by adding thereto an additional section, No 3; which was adopted. Mr Clark moved to amend the bill by adding thereto an additional section, No 4; and the amendment being under consideration, the House adjourned until to-morrow morning, 9 o'clock.

Thursday, January 15, 1829.

The House met pursuant to adjournment.

Mr Barton presented the account of Richard Chelton; which was read and referred to the committee on accounts, to consider and report thereon.

Mr McElderry, from the committee on accounts, to which was referred the several claims and accounts against the State, reported a bill to be entitled an act making appropriations for certain claims against the State; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and committed to the committee on accounts.

Mr Dale, from the military committee, to which was referred the bill to be entitled an act to divide the 21st regiment of the militia of this state, and for other purposes, reported the same with sundry amendments; which were concurred in by the House. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Mardis made the following report: The select committee to whom was referred the bill to be entitled an act to compel owners of hired slaves and their legal representatives, to pay reasonable bills to physicians, have, according to order, had the same under consideration, and have instructed me to report the bill with the following amendments, to wit: Amend the 6th line of the 2d section by striking out the word *two* where it occurs, and insert *one*. Amend, in the 7th line of the same section, by striking from the word *citizens*, where it occurs, the letter *a*. Further amend said section by striking out of the 28th line these words: *two citizens*, and insert in lieu thereof *one citizen*; which was adopted by the House. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Penn, from the select committee to which was referred a petition of the citizens of Triana, praying certain amendments to the act incorporating said town, reported a bill to be entitled an act to amend an act concerning the town of Triana, in the county of Madison, passed Dec. 22d, 1826; which was read and ordered to a second reading on tomorrow.

Mr Penn obtained leave to introduce a bill to be entitled an act to prolong the regular terms of the circuit court of Mobile county and for other purposes; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then ordered to be read a second time forthwith, and the rule being further dispensed with, it was then ordered to be engrossed for a 3d reading today.

Mr Parker obtained leave to introduce a bill to be entitled an act to alter the boundaries of Fayette county; which was read and ordered to a second reading on tomorrow.

Mr Penn obtained leave to introduce a bill to be entitled an act for the relief of the surviving partner of the late firm of John Forbes & Co.; which was read and ordered to a second reading on tomorrow.

Mr Perkins obtained leave to introduce a bill to be entitled an act to repeal the 5th section of an act entitled an act further to amend the charter of the bank of the state of Alabama, approved Jan. 14, 1826; which was read and ordered to a second reading tomorrow.

Mr Coopwood made the following report: The select committee to which was referred the engrossed joint resolutions, from the Senate, proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judge's office to six years, have had the same under consideration and have instructed me to report the following amendments:

First, strike out the word *twelve*, in the 7th line from the top, and insert in lieu thereof the word *thirteenth*; in the 11th line, strike out the word *either*, and insert the word *any*; in all of which the committee ask the concurrence of the house; which several amendments were concurred in by the house, and the bill ordered to be read a third time on tomorrow.

Mr Coopwood made the following report: The select committee to which was referred the petition of John J. Ormond and Wm. Lynn, legal representatives of Charles Pearson, deceased, asking an allowance of \$316 ts. for the insolvent list of the said Pearson, a taxcollector for the year 1827, and also for the suspension of an execution against the securities of said Pearson, as taxcollector of that year, on a judgment against them for about the sum of \$400, and to give them power to coerce payment of any balance of taxes that may be due to the estate of said Pearson for the year 1827. The same committee reported a bill to be entitled an act for the relief of the legal representatives of Charles Pearson; which was read and ordered to a second reading on tomorrow.

Mr Penn obtained leave to introduce a bill to be entitled an act authorizing a lottery for the benefit of Rising Virtue lodge, No 4, in the town of Tuscaloosa; which was read and ordered to a 2d reading on tomorrow.

The House then proceeded to the orders of the day.

The resolution proposing that hereafter the hour of meeting in the morning shall be at half past 9 o'clock, being under consideration, the question was, *Shall the resolution be adopted?* and carried. Yeas 35—Nays 32.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Barker, Bibb of L. Bibb of m. Dale, Duke, Edmondson, Foster, Harris, Hill, Hodges, Lane, Lea, Lewis of F. Mardis, Massey, Mims, Mobley, Musgrove, Parker, Penn, Perkins, Pickens, Robison, Rogers, Smith of J. Sykes, Tarver and Townsend of m. Walker of D. Walker of m. Wellborne, Whitfield.*

*Those who voted in the negative are, messrs Adams, Ambrister, Belser, Bonnell, Brandon, Bridges, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dapuy, Durratt, Metcalfe, McElderry, Sanders, Smith of L. Townsend of P. Wallis and Weissinger.*

The engrossed bill entitled an act to prolong the regular terms of the circuit court of Mobile county and for other purposes, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act to establish a certain election precinct therein named. Mr Clark's amendment to said bill being under consideration. Mr Clough moved to lay the amendment on the table until the first day of the next session; which was carried. Yeas 37—Nays 23.

*The yeas and nays being desired, those who voted in the affirmative are messrs Adams, Ambrister, Anderson, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clough, Cook, Coopwood, Dale, Durratt, Edmondson, Foster, Harris, Hodges, Lane, Lawler, Lea, Lewis of F. Mardis, Mims, Perkins, Pickens, Richardson, Robison, Sanders, Smith of J. Smith of L. Townsend of m. Townsend of P. Walker of D. Walker of m. Wallis and Whitfield.—Those who voted in the negative are, messrs Speaker, Banks, Barker, Belser, Clark, Cole, Colgin, Duke, Dapuy, Flournoy, Gage, Hill, Massey, Metcalfe, Mobley, Musgrove, McElderry, Parker, Penn, Rogers, Sykes, Tarver and Weissinger.*

The bill was then ordered to be engrossed for a 3d reading tomorrow.

A message from the Senate, by Mr Lyon: Mr Speaker, The Senate concur in the amendments made by the House of Representatives to the resolution relating to the election of a president and twelve directors of the bank of the state of Alabama. They have passed bills which originated in the Senate entitled an act to emancipate a certain slave therein

**Passed:** an act regulating judicial proceedings on writs of error from the county to the circuit courts; an act giving a summary mode of proceeding against sheriffs in certain cases; an act for the relief of David M. Smithson; an act prescribing the mode of procuring the attendance of witnesses in the several courts of this state; an act declaring Flint river, in Madison county, a public highway from Scott's mill to Harding's cotton factory; an act to require judges of the county courts to renew their bonds and for other purposes; and an act to prevent persons being sued in civil cases before justices of the peace out of the company beat in which they permanently reside: in all of which they desire your concurrence. They have passed bills which originated in the House of Representatives entitled an act to repeal in part and to amend an act entitled an act to authorize John Smith, of Jefferson county, to emancipate a certain slave therein named; an act to authorize Simon Bowden to emancipate a certain slave named Peter; an act to emancipate a certain slave therein named; and an act to authorize the judges of the county courts and commissioners of roads and revenue of the counties of St. Clair and Shelby, to levy a special county tax for certain purposes therein named. They have postponed until the first day of the next session of the General Assembly the bill, which originated in the House, entitled an act for the relief of the purchasers of the 16th section in township one and range eleven, in Lauderdale county; and refused to read a second time a bill, which originated in the House of Representatives, to be entitled an act to repeal in part and amend an act entitled an act requiring the judges of the circuit courts to alternate.

Engrossed bills from the Senate, of the following titles, to wit: An act to prevent persons being sued in civil cases before justices of the peace out of the company beat in which they permanently reside; an act to require judges of the county courts to renew their bonds and for other purposes; an act declaring Flint river, in Madison county, a public highway from Scott's mill to Harding's cotton factory; an act prescribing the mode of procuring the attendance of witnesses in the several courts in this state; an act for relief of David M. Smithson; an act giving a summary mode of proceeding against sheriffs in certain cases; an act to emancipate a certain slave therein named;—were severally read and ordered to a second reading on tomorrow.

Engrossed bill from the Senate entitled an act regulating judicial proceedings on writs of error from the county to the circuit courts, was read a first time and laid on the table.

Mr Wallis obtained leave to introduce a bill to be entitled an act to alter the time of holding the courts in the fourth circuit; which was read and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and ordered to be engrossed for a third reading on tomorrow.

The bill to be entitled an act to abolish the imprisonment of females in civil suits, and to define the prison bounds of the several counties of this state. Mr Clark's motion to strike out the 2d section being under consideration. Mr Bridges moved that the bill lie on the table till tomorrow; which was lost. The question was again on Mr Clark's motion and carried. Yeas 38—Nays 23.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Banks, Barker, Bibb of L. Bonnell, Brandon, Clark Clough, Cole, Cook, Dupuy, Durrett, Edmondson, Foster, George, Lane, Mardis Massery Mims Mobley Musgrove, McElherry, Penn, Perkins Pickens, Richardson, Robison, Smith of L. Sykes, Townsend of m. Walker of D. Walker of m.*



*Wallis, Weissinger, Wellborne and Whitfield.*—Those who voted in the negative are, messrs Anderson, Bibb of m. Bridges, Brown, Colgin, Coopwood, Dale, Duke, Flournoy, Gage, Harris, Hill, Hodges, Lawler, Lea, Lewis of F. Metcalfe, Parker, Rogers, Sanders, Smith of J. Tarrar and Townsend of P.

Mr Perkins moved that the further consideration of the bill be postponed until the first day of March next; which was carried.

A message from the Governor, by J. I. Thornton, which is as follows:

January 15, 1829 — Mr Speaker, I am instructed by the Governor to inform your honorable body that he did on the 14th inst. approve and sign the following bills: An act to emancipate certain slaves therein named; an act to reduce into one the several acts giving fees to justices of the peace and constables and for other purposes:—and on this day (Jan. 15.) an act prohibiting certain persons from exercising the powers of justices of the peace and constables of this state; an act to appoint a commissioner for the county of Pike; and an act to amend an act entitled an act to provide for keeping in repair a certain road therein mentioned: all of which originated in the House of Representatives.

A bill to be entitled an act to emancipate a certain slave therein named, was read a 2d time and ordered to be engrossed for a 3d read tomorrow.

Engrossed bill entitled an act to incorporate the Ridggsun lodge of freemasons, No 29, in the town of Decatur, Morgan county, and the Athens lodge No. 16, in the town of Athens, in Limestone county, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Engrossed bills from the Senate, of the following titles, to wit: An act to divorce Robert C. Price from Elizabeth Price; an act to authorize the judge of the county court and commissioners of revenue and roads of Limestone county to appoint some suitable person to transcribe certain parts of the records of the county court of the county aforesaid, were severally read a 2d time and ordered to be read a third time to morrow.

Engrossed bill from the Senate entitled an act more effectually to suppress the evil practice of duelling, was read a second time. Mr Flournoy moved the indefinite postponement of the bill; which was lost. Yeas 28—Nays 28.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Bibb of L. Bridges, Clark, Cook, Dale, Edmondson, Flournoy, Foster, Hill, Lane, Lea, Lewis of F. Mardis, Massey, Mims, Mobley, Parker, Pickens, Robison, Smith J. Sykes, Walker of L. Walker m. Weissinger and Whitfield.*—Those who voted in the negative are, messrs Adams, Banks, Barker, Belser, Bibb of m. Bonn U. Brown, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Dursett, Gage, George, Hodges, Lawler, Metcalfe, Musgrove, McElberry, Penn, Perkins, Richardson, Smith of L. Tarrar, Townsend of m. Townsend of P.

Mr Clark moved that the bill be postponed until the first day of March next; which was carried. Yeas 28—Nays 25.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Bibb of L. Brandon, Bridges, Clark, Cook, Dale, Edmondson, Flournoy, Foster, Hill, Lane, Lawler, Lea, Lewis of F. Mardis, Massey, Mobley, Pickens, Robison, Sanders, Smith of J. Sykes, Walker of m. Weissinger and Whitfield.*—Those who voted in the negative are, messrs Adams, Banks, Barker, Belser, Bibb of M. Bonnell, Brown, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Gage, George, Hodges, Metcalfe, Musgrove, McElberry, Penn, Perkins, Smith of L. Tarrar, Townsend of m. and Townsend of P.

The engrossed bill from the Senate entitled an act to divorce Ambrose Sanders from his wife Elizabeth Sanders, was laid on the table.

Engrossed bill from the Senate entitled an act to amend the act incorporating the town of Florence, was read a third time and passed.

*Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to explain and amend the laws allowing fees to judges of the county courts of this state, was laid on the table till the first day of November next.

*Mr* Mobley who voted in the majority on laying the engrossed bill from the Senate, entitled an act to divorce Ambrose Sanders from his wife Elizabeth Sanders, on the table, moved to reconsider the vote; which was carried. The bill was then read a third time and passed, there being a constitutional majority voting in favor of its passage. Yeas 49—Nays 2.

*Those who voted in the affirmative are, messrs Speaker, Adams, Ambrister Anderson, Barker, Bibb of L. Bibb of m. Bonnell, Brandon. Brown, Clark, Clough, Colgin, Cook, Dale, Dupuy, Edmondson, Flourney, Foster, Gage, George Harris, Hill, Hodges, Lane, Lea, Lewis of F. Mardis, Massey, Metcalfe, Mims Mobley, Musgrove, McElderry, Parker, Penn, Perkins, Pickens, Richardson Rogers, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Walker of m. Wellborne and Whitfield — Those who voted in the negative are, messrs Duke and Weissinger.*

*Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill from the Senate entitled an act for the relief of sheriffs and other officers, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The engrossed bill entitled an act to amend and reduce into one the several acts for the relief of insolvent debtors. *Mr* Lea moved that the bill lie on the table till the first Monday in August next; which was lost. It was then laid on the table until tomorrow.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The bill to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama at —, in the Tennessee valley, was laid on the table until tomorrow.

The engrossed bill entitled an act to ascertain the voice of the people of Pickens county relative to the removal of their present seat of justice, was, on motion of *mr* Parker, laid on the table until tomorrow.

The engrossed bill to be entitled an act to change and fix the time for convening the General Assembly of the state of Alabama, was read a third time. *Mr* Smith of L. moved to postpone the further consideration thereof until the 4th July next; which was lost. Yeas 30—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Barker, Brandon, Brown, Clark, Colgin, Coopwood Dale, Darrett, Flourney, Foster, Gage, Hill, Lawler, Lea, Mardis, Metcalfe, Mims, Parker, Penn, Perkins, Pickens, Richardson, Smith of J. Smith of L. Walker of D. Walker of m. and Wallis.— Those who voted in the negative are, messrs Banks, Elser, Bibb of L. Bibb of m. Bonnell, Bridges, Clough, Cole, Cook, Duke, Dupuy, Edmondson, Harris, Hodges, Hudson, Lane, Lewis of F. Mobley, Musgrove, McElderry, Robison, Rogers, Salter, Sanders, Sykes, Tarver, Townsend of m. Townsend of P. Weissinger, and Whitfield.

*Mr* Clark moved that the further consideration thereof be postponed till the first day of the meeting of the next General Assembly; which was carried. Yeas 32—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Brandon, Clark, Colgin, Coopwood Dale, Darrett, Flourney, Foster, Gage, George, Hill, Lawler, Lea, Mardis, Mas-

sey, Metcalfe, Mims, Parker, Penn, Perkins, Pickens, Richardson, Smith of J. Smith of L. Walker of D. Walker of m. Whitfield — Those who voted in the negative are, messrs Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Brown, Clough, Cole, Cook, Dale, Dupuy, Edmondson, Harris, Hodges, Hudson, Lane, Lewis of F. Mobley, Musgrove, McElderry, Robison, Rogers, Salter, Sanders, Sykes, Tarver, Townsend of m. Townsend of P. Walli, Weissinger, and Welbourne.

Engrossed bills of the following titles, to wit: An act for the payment of Martin Wells; an act for the relief of Jeremiah W. Thomas, taxcollector for Lawrence county; an act for the relief of Benjamin S. Brumley; an act to repeal in part an act entitled an act to suppress the evil and pernicious practice of firehunting, passed Dec. 12, 1822;—were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act to prevent the citizens of this state from being sued in civil cases before any justice of the peace out of the beat in which they may respectively reside, being under consideration. *Mr* Clay moved that the further consideration thereof be postponed until the first day of April next; which was lost. Yeas 31—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambister, Banks, Bibb of L. Brandon, Brown, Duke, Dupuy, Darrett, Edmondson, George, Lane, Lawler, Mardis, Massey, Mims, Mobley, McElderry, Penn, Perkins, Richardson, Robison, Rogers, Salter, Sanders, Smith of J. Townsend of m. Walker of m. Wallis, Welbourne and Whitfield. — Those who voted in the negative are, messrs Anderson, Barker, Bibb of m. Bonnell, Bridges, Clark, Cole, Clough, Colgin, Cook, Coopwood, Dale, Flournoy, Foster, Gage, Harris, Hill, Hodges, Hudson, Lea, Lewis of F. Metcalfe, Musgrove, Parker, Pickens, Smith of L. Sykes, Tarver, Townsend of P. Walker of D. Weissinger.

*Mr* Lea then moved that the further consideration of the bill be postponed until the first day of the next session of the general assembly; which was carried.

The engrossed bill to be entitled an act for the relief of Stith Evans, of the county of Greene, was read a third time. *Mr* Colgin moved to recommit the bill to the committee on propositions and grievances, to consider and report thereon.

Engrossed joint memorial to the Congress of the United States asking relief for the purchasers of public lands, was read a third time. *Mr* Bridges moved to amend the title by adding the words *and for other purposes*; which was carried. The memorial was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

*Mr* Coopwood moved to spread on the journals the bill to be entitled an act to abolish the imprisonment of females in civil suits, and to define the prison bounds of the several counties of this state; which was lost. Yeas 22—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Brown, Clough, Cole, Colgin, Coopwood, Dale, Duke, Darrett, Flournoy, Foster, Gage, George, Hodges, Hudson, Lea, Lewis of F. Metcalfe, Parker, Sanders, Smith of L. and Weissinger. — Those who voted in the negative are, messrs Speaker, Ambister, Banks, Barker, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Clark, Dupuy, Edmondson, Harris, Lane, Lawler, Mardis, Massey, Mims, Mobley, Musgrove, McElderry, Penn, Perkins, Pickens, Richardson, Robison, Rogers, Salter, Smith of J. Sykes, Townsend of m. Townsend of P. Walker of m. and Wallis.

*Mr* Lawler moved that the bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein contained be expunged from the journals of this house. The motion pending, the House adjourned until to-morrow morning, at half past 9 o'clock.

Friday, January 16, 1829.

The House met pursuant to adjournment.

Mr Mardis, from the judiciary committee, to which was referred the bill to be entitled an act to amend an act concerning the distribution of intestates' estates, passed Dec. 21, 1822, reported the same without amendment. The bill was then laid on the table.

Mr Mardis, from the judiciary committee, to which was referred joint resolutions proposing amendments to the constitution of this state, so as to have biennial sessions of the general assembly thereof, reported the same without amendment.

Mr Mardis, from the judiciary committee, to which was referred the bill to be entitled an act supplementary to and amendatory of the laws relating to executors and administrators and for other purposes, made the following report: The committee on the judiciary to which was referred a bill to be entitled an act supplementary to and amendatory of the laws relating to executors and administrators and for other purposes, have according to order had the same under consideration, and have instructed me to report the bill with the following amendment: amend the 20th section by striking out all after the enacting clause to the proviso in said section, and insert in lieu thereof the following: *That hereafter whenever the estate of deceased persons cannot be divided without injury to the same between legatees or distributees, but by sale of the whole or any part thereof, it shall be the duty of the judge of the county court, upon the petition of an executor or administrator, legatee or distributee, and proof of such fact, to order the executor or administrator to sell so much of the real or personal estate of the deceased as may effect a division or distribution of said estate as directed by the will of the testator or required by law.* In which amendment the House concurred. Mr Coopwood moved that the bill lie on the table till the first day of March next; which was lost. Mr Clark moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 23—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Bridges, Clark, Clough, Cole, Cook, Coopwood, Duke, Edmundson, Flournoy, Hodges, Hudson, Lea, Lewis of F. Metcalfe, Mims, Mobley, Robinson, Sanders, Sykes, Townsend of P. Walker of m. Wallis.—Those who voted in the negative are, messrs Speaker, Ambrister, Anderson, Banks, Barten, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Colgin, Dale, Dupuy, Darrett, Feam, Foster, Gage, George, Harris, Hill, Lane, Lawler, Mardis, Massey, Musgrove, McElherry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Salter, Smith of J. Smith of L. Tarver, Terry, Townsend of m. Walker of D. Weissinger and Whitfield.

Mr Smith of L. moved that the bill lie on the table, and that 100 copies thereof be printed; which was carried. Yeas 34—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Barton, Bibb of L. Bibb of m. Brandon, Colgin, Dale, Darrett, Feam, Flournoy, Gage, George, Harris, Lane, Lawler, Mardis, Massey, Musgrove, McElherry, Parsons, Penn, Perkins, Richardson, Rogers, Salter, Sanders, Smith of J. Smith of L. Tarver, Terry, Townsend of m. Walker of D. Weissinger, Whitfield.

Those who voted in the negative are, messrs Adams, Ambrister, Anderson, Banks, Belser, Bonnell, Bridges, Brown, Clark, Clough, Cole, Cook, Coopwood, Duke, Dupuy, Edmundson, Foster, Hodges, Hudson, Lea, Lewis of F. Metcalfe, Mims, Mobley, Parker, Pickens, Robinson, Sykes, Townsend of P. Walker of m. Wallis.

Mr Parsons made the following report:

The Joint Committee of the two Houses of the General Assembly of the state of Alabama, appointed to confer on the subject of difference between the two Houses respecting amendments offered by the House of Representatives to the 4th, 5th, 13th and 14th sections of the bill entitled an act to enable the state of Alabama to sell and dispose of cer-

tain lands therein named, beg leave to report to their respective Houses, that the said committees respectfully recommend that the House of Representatives recede from their amendment to the 4th section of the bill, and concur in the amendment made by the Senate to the amendment of the House of Representatives to the end of the 5th section of the bill, which amendment provides that said commissioners shall take and subscribe an oath that they respectively "will not directly or indirectly purchase any of said lands, except the preemption right given to them, and that they will not in any manner be concerned in fixing the value upon their own preemption." And that the House of Representatives also recede from their amendment to the 10th section of the bill; which amendment strikes from the said 10th section the words 'classed and'. They also respectfully recommend to their respective Houses as a modification of the 5th section of the bill, the provision herewith submitted, to wit: strike out all after the enacting clause of the 5th section down to the word 'and,' in the 11th line of the original bill, and insert in lieu thereof the following: 'That the said lands shall be divided into three classes; and the lands of the first class shall not be valued at less than six dollars per acre; lands of the second class, not less than three nor more than six dollars per acre; lands of the third class not less than the minimum price of the lands of the United States nor more than three dollars per acre; and if the said commissioners shall be of opinion that any of the lands belonging to the second or third classes, on account of proximity to a town, the canal, or from other local causes, shall be worth more than the maximum prices herein above affixed to the second or third classes, then the said commissioners shall be authorized to assess the true value, and the prices so fixed shall be the prices at which the said lands are to be sold.' The said committee further respectfully recommend as a substitute for the 14th section the provision herewith submitted, to wit: 'Sec. 14. And be it further enacted, that none of the said relinquished lands within one mile of the north bank of the Tennessee river, from Cox's ferry to Waterloo, shall be sold until so ordered by act of the General Assembly of the State of Alabama; and each and every person entitled by the provisions of this act to a preference in becoming the purchaser of any part of said lands hereby reserved from sale, shall be authorized to enter the like quantity of any other of said relinquished lands, not appropriated by other occupants, at the price at which the said lands are valued at by the commissioners appointed by virtue of the foregoing provisions of this act.' All of which is respectfully submitted. (Signed)

ENOCH PARSONS, Chairman of the committee on the part of the House.

Mr Parsons moved that the House concur in the recommendation of the committee by striking out all after the enacting clause of the 5th section to the word *and*, in the 4th line with a view to insert the words as mentioned in said report; which was carried. Yeas 44—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Anderson, Barker, Belser, Bibb of L. Bibb of M. Bonnell, Bridges, Brown, Clark, Clough, Cole, Coopwood, Dole, Duke, Dupuy, Durrett, Edmondson Foster, George, Harris, Hill, Hedges, Hedson, Lane, Lea, Lewis of F. Metcalfe, Parsons, Perkins, Pickens, Richardson, Robinson, Salter, Sanders, Smith of J. Smith of L. Sykes, Terry, Townsend of M. Townsend of P. Walker of D. Wallis and Whitfield.

Those who voted in the negative are, messrs Secker, Barton, Brandon, Colgin, Fearn, Flornoy, Gage, Lawler, Mardis, Mons, Musgrove, McElderry, Penn, Rogers, Vicker of M. Wessinger and Welbourne.

*Ordered*, That the House concur in the remainder of the recommendations contained in the report of the committee of conference.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate concur in the amendment made by the House of Representatives to the bill entitled an act to alter and amend an act entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in Limestone county. They have passed bills, which originated in the Senate, of the following titles, to wit: An act for the relief of Enoch Bryant; an act to establish an academy in Clark county, at the town of Sugsville, and for other purposes; an act the better to secure the collection of the state revenue; an act approving and confirming the contract made by the Governors of the states of Mississippi and Alabama in relation to the unsettled accounts between the two states; and an act prescribing the duties of sheriffs and returning officers in holding elections and returning the votes of all persons voting on proposed amendments of the constitution of the state of Alabama; in all of which they desire the concurrence of the House.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate concur in the report of the committee of conference, appointed on the subject matter of disagreement between the two Houses, in relation to the amendments made to the bill entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; and the Senate respectfully request that your honorable body will appoint a committee on the part of the House, to act with a committee on the part of the Senate, to superintend the enrolment of said bill, in the event that your honorable body should concur in the report of the committee of conference; whereupon messrs Parsons, Fearn, Terry, Lewis and Barton were appointed said committee.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

A message from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, PASCAGOCA, JANUARY 15, 1849

*The Hon. the Speaker and Members of the House of Representatives:*

Gentlemen—I have this moment received a letter from his excellency the Governor of the state of Georgia, with a report and resolutions adopted by the Legislature of that state, on the resolutions of the states of South Carolina and Ohio, which I have the pleasure to transmit to you without delay. I have the honor to be, most respectfully, your obedient servant

JOHN MURPHY

*Ordered,* That said message, with the accompanying documents, be referred to the committee on the state of the republic.

Engrossed bill from the Senate entitled an act prescribing the duties of sheriffs and returning officers in holding elections, and returning the votes of all persons voting on proposed amendment of the constitution of the State of Alabama, was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time and referred to the select committee to which was referred the resolution proposing amendments to the constitution in relation to the tenure of the judges' office, and that said committee report on Monday next.

Engrossed bills from the Senate of the following titles, to wit: An act approving and confirming the contract made by the Governors of the States of Mississippi and Alabama, in relation to the unsettled accounts between the two states; an act for the relief Enoch Bryant; an act to establish an academy in Clark county, at the town of Sugsville, and for other purposes; were severally read and ordered to a second reading on to-morrow.

The engrossed bill from the Senate entitled an act the better to secure the collection of the State revenue, was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the committee on ways and means.

Mr Walker of m. from the judiciary committee, to which was referred the engrossed bill from the Senate entitled an act to regulate judicial proceedings on record from other states, reported the same without amendment. The bill was then ordered to be read a third time on tomorrow.

Mr Cook made the following report: the committee on the judiciary, to whom was referred a bill to alter the times of holding the courts in the sixth circuit, have had the same under consideration, and have instructed me to report said bill with an amendment, by striking out the word *Thursday*, where it occurs after the word *Dale*, in the first section, and inserting *Friday*. In which amendment the house concurred. The bill was then ordered to be engrossed for a third reading tomorrow.

Mr Penn, from the judiciary committee, to which was referred the me-

morial of Joseph L. D. Smith, praying the passage of a law authorizing the change of venue of a suit depending in the circuit court of Franklin county, reported a bill to be entitled an act to amend the law now in force in relation to the change of venue in civil causes, and for other purposes; which was read and ordered to a second reading on tomorrow.

Mr Colgin from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of making it the duty of each and every justice of the peace in this state to recommend or report to the court of commissioners of roads and revenue for this county, some suitable person or persons for overseer in their beat, and vesting the justices of the peace with power to fill vacancies during the recess of the court of commissioners of roads and revenue, reported that it is inexpedient to legislate on the subject. In which report the house concurred.

Mr Harris, from the committee on propositions and grievances, to which was referred the bill to be entitled an act to sell and convey a lot of ground in the town of Cahawba, reported a substitute in lieu thereof; which was adopted. Mr Walker of D. moved to amend the bill by adding thereto an additional section No 3; which was carried. The bill was then ordered to be engrossed for a third reading tomorrow.

Mr Harris, from the committee on propositions and grievances, to which was referred the petition of Wm. Browning and Jas. B. Woolf, praying the passage of a law establishing a saw and grist mill on Chickasaw Bogue creek, in the county of Marengo, reported that it is inexpedient to legislate on the subject. In which report the house concurred.

Mr Harris, from the committee on propositions and grievances, to which was referred the engrossed bill to be entitled an act for the relief of Stith Evans, of the county of Greene, and the accounts of the said Stith Evans and Wm. C. Gillespie, reported the same by adding thereto an additional section No 2, by way of engrossed rider; which was adopted by the house. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Bridges, from the committee on ways and means, reported a bill to be entitled an act making appropriations for the year 1829; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Coopwood moved to strike out the 3d section of the bill; which was lost Yeas 8—Nays 59.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Brown, Coopwood, Duke, Hill, Hodges, Metcalfe, Richardson, and Smith of J.*

*Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Balser, Bibb of L. Bibb of m. Bannell, Brandon, Bridges, Clark, Clough, Cobb, Colgin, Cook, Dale, Dupuy, Durcott, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Robison, Rogers, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Walker of D. Walker of m. Wallis, Weissinger, Welbourne and Whitfield.*

Mr Clark moved to amend said section by inserting the word *engrossing clerk*; which was carried. Mr Lewis of F. moved to recommit it to the same committee that reported it; which was carried.

On motion of Mr Perkins, *Resolved*, That the committee on accounts be instructed to inquire what compensation (if any) shall be allowed to Hiram Shortridge, Esq. for services rendered the state, by administering the different oaths to the members and clerks of the present legislature, the

legislature of 1826, and the president and directors of the state bank since, the book has been at Tusculoosa, and for copying and having the same recorded or filed.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to compensate the comptroller of public accounts for additional services imposed on him by an act of the present general assembly; which was read and ordered to a second reading on tomorrow.

Mr Weissinger offered the following resolution: *Resolved*. That this House will receive no new business after tomorrow. Mr Parsons moved to amend it by striking out the word *tomorrow*, with a view to insert *Tuesday next*; which was carried. Mr Anderson moved to amend it with the following: and that all the committees be required to report on or before Thursday next, unless leave be given by a majority of two-thirds of the members present; which was carried. The resolution as amended was then adopted.

Mr Dupuy obtained leave to introduce a bill to be entitled an act for the relief of the paupers of Jefferson county; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith; it was then considered as engrossed, and the rule being further dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Hudson obtained leave to introduce a bill to be entitled an act to change the times of holding the courts of commissioners of roads and revenue in the county of Franklin; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith; it was then considered as engrossed, and the rule being further dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Speaker laid before the House a communication from Peter Donaldson, in relation to the loss of a certain sum of money therein mentioned; which was read. Mr Clark moved that it lie on the table till the first day of March next; which was lost. Mr Perkins moved that it lie on the table; which was carried.

On motion of *mr* Rogers, *Resolved*, That the committee on roads, bridges and ferries be instructed to inquire into the expediency or in expediency of authorizing the citizens of Blount county to open and make passable the road leading from Marston Mead's, in said county, to Gunter's landing, on the Tennessee river, and to report by bill or otherwise; under such rules and regulations as the judge of the county court and commissioners of revenue and roads may prescribe, &c.

The House resumed the consideration of *mr* Lawler's motion to expunge from the journals the bill to be entitled an act giving justices of the peace jurisdiction over certain breaches of the peace therein mentioned; which was lost. Yeas 29—Nays 31.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Ambuster, Banks, Barton, Belser, Bibb of m, Bibb of L, Bonnell, Cook, Edmundson, Fearn, Harris, Lane, Lawler, Lea, Mardis, Mims, Mobley, McDerry, Parsons, Penn, Perkins, Pickens, Rogers, Sykes, Walker of D, Walker of m, Wallis, Whitfield.*—*Those who voted in the negative are, messrs Speaker, Anderson, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Dale, Duke, E. p. n. Darrett, Flournoy, Foster, Gage, George, Hill, Lewis of m, Metcalfe, Musgrave, Parker, Richardson, Sanders, Smith of L, Smith of J, Terrell, Terry, Townsend of m, Townsend of P, and Weissinger.*

And then the House adjourned till tomorrow morning  $\frac{1}{2}$  past 9 o'clock.



Saturday, January 17, 1829.

The House met pursuant to adjournment.

Mr Barker presented the account of Charles Lewen; which was read and referred to the committee on accounts, to consider and report thereon.

On motion of Mr Fearn, *Resolved*, That the committee on the state of the republic be instructed to prepare a joint memorial to the Congress of the United States, requesting a grant to the State of Alabama of all the lands lying within one mile of the northern margin of the Tennessee river, where a canal or other improvements may be constructed for the location thereof, the proper application of water power, which may be procured, and for the purpose of procuring materials for constructing any of the works of improvement; and also, as sites for warehouses or towns, should there be such, with the condition that the profits arising therefrom shall be applied exclusively to keeping in repair the said works; and also, requesting that authority may be granted to the State of Alabama to levy such tolls on the articles passing along said lands or other improvements, as may be requisite to keep the same in repair after they shall have been constructed; and that the said committee be required to report on Monday next.

Mr Bridges, from the committee on ways and means, to which was referred the bill to be entitled an act making appropriations for the year 1829, reported the same with the following amendments: Strike out of the 6th section of the bill the word *ten*, and insert in lieu thereof the word *six*; which was adopted.

Mr Bridges, from the committee on ways and means, to which was referred the engrossed bill from the Senate entitled an act the better to secure the collection of the state revenue, reported the same with the following amendments: By striking out all after the word *dollars*, in the 4th line of 3d section, and insert the following: *Which sum shall be recoverable, on motion of the comptroller, in the circuit court of Tuscaloosa county; which motion shall be made by the attorney general at the first term after such failure by any tax assessor; Provided, that the comptroller shall give to such defaulting tax assessor thirty days' notice, in some newspaper printed in Tuscaloosa; and shall moreover give to such assessor notice, in writing, directed to him, by mail: which notice shall be deposited in the postoffice at Tuscaloosa, at least thirty days previous to the time of making such motion; and also, by adding thereto an additional section. No 4.* Mr Parsons moved that the bill be recommitted to the committee on ways and means to consider and report thereon.

Mr Bridges, from the committee on ways and means, to which was referred the bill to be entitled an act to amend the several laws in relation to the assessment and collection of taxes and for the payment of the same into the state and county treasury, reported the same without amendment, and recommend its rejection to the House. Mr Parsons moved that the bill lie on the table; which was carried.

Mr Smith of L. obtained leave to introduce a bill to be entitled an act for the liquidation of all county claims; which was read and ordered to a second reading on Monday next.

A message from the Senate, by Mr Lyon: Mr Speaker, the Senate have passed bills which originated in the House of Representatives entitled an act to prolong the regular terms of the circuit court of Mobile county and for other purposes; and an act for relief of Elijah Smith, tax collector of Franklin county. They have passed bills which originated in the Senate entitled an act further to amend the attachment laws; and

an act extending the powers of the judge of the county court and commissioners of roads and revenue of the county of Dallas; in which they desire the concurrence of the House.

The bill entitled an act to appoint commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, was read a second time. Mr Belser moved to lay the bill on the table till the 1st day of the next session of the general assembly. The motion then pending, the House adjourned till 2 o'clock this evening.

*Evening Session, 2 o'clock*—The House met pursuant to adjournment.

On motion of *mr Bridges*, *Resolved*, that the Senate be now invited to assemble in the representative hall, for the purpose of going into the several elections contemplated by a previous resolution of the two houses, and that the east end of the hall be assigned for their reception.

*Ordered*, That *mr Clark* have leave of absence until Tuesday next.

*Ordered*, That *mr Adams* have leave of absence after tomorrow for the remainder of the session.

The Senate having repaired to the hall of the House of Representatives—

When the two Houses proceeded to the election of a President of the Bank of the State of Alabama. Dr. Thomas Casey, John L. Tindall and James H. Dearing being a nomination. The votes stood thus: For Thomas Casey 37—John L. Tindall 30—James H. Dearing 24.

Those who voted for Dr Casey are, messrs Crawford, Evans, Hubbard, McVay, Merriweather, Moore of m. Pickett, Skinner, Smith, Walthall and Watkins of the senate; *Mr Adams*, Anderson, Belser, Brandon, Bridges, Clark, Clough, Cole, Coopwood, Dale, Duke, Foster, Hodges, Hulston, Lewis of F. Metcalfe, Mims, Musgrove, Pickens, Richardson, Robison, Salter, Sanders, Walker of D. Wallis and Weissinger.

Those who voted for m. Tindall are, *Messrs* Abercrombie, Conner, Garth, Moore of J. Perry, Powell and Wood of the senate; mr Banks, Brown, Colgin, Cook, Dupuy, Durratt, Edmondson, Gage, Hall, Lawler, Lea, Marlis, Massey, McElderry, Parker, Rogers, Russell, Smith of J. Tarver, Townsend of P. Walker of m. Wellborne and Whitfield.

Those who voted for mr Dearing are, mr President, Ross and Vining of the senate; mr Speaker, Ambrister, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Fearn, Flournoy, George, Harris, Lane, Lewis of m. Mobley, Parsons, Penn, Perkins, Smith of L. Sykes, Terry and Townsend of m.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for President of the Bank of the State of Alabama the name of mr Dearing being withdrawn. The votes stood thus: For Dr Casey 38—Dr Tindall 53.

Those who voted for Dr Casey are, mr Crawford, Evans, Hubbard, McVay, Merriweather, Moore of M. Pickett, Skinner, Smith, Walthall and Watkins of the senate; messrs Adams, Anderson, Belser, Brandon, Bridges, Clark, Clough, Cole, Coopwood, Dale, Duke, Foster, Gage, Hodges, Hulston, Lewis of F. Metcalfe, Mims, Musgrove, Pickens, Richardson, Robison, Salter, Sanders, Walker of D. Wallis and Weissinger.

Those who voted for John L. Tindall are, mr President, Abercrombie, Conner, Garth, Moore of J. Perry, Powell, Ross, Vining and Wood of the senate; *Mr Speaker* Ambrister, Banks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brown, Colgin, Cook, Dupuy, Durratt, Edmondson, Fearn, Flournoy, George, Harris, Hall, Lane, Lawler, Lea, Lewis of m. Marlis, Massey, Mobley, McElderry, Parker, Parsons, Penn, Perkins, Rogers, Russell, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Walker of m. Wellborne and Whitfield.

John L. Tindall having received a majority of all the votes, was declared by mr Speaker to be duly elected President of the Bank of the state of Alabama for one year next ensuing the date hereof.

The two houses then proceeded to elect twelve Directors of the Bank of the state of Alabama. Wm. G. Parish, Wm. R. Colgin, John H. Somerville, Samuel B. Ewing, Conatrine Perkins, Thomas Owen, James H. Dearing, James Guild, Henry A. Snow, William H. Jack, Nathan Hechey, John P. Pass, Thomas E. Belling, Peter Donaldson, Ira Griffin, Robert E. B. Baylor, Ascard Pfister, A. P. Baldwin, Samuel Meek, Alfred Battle, John O. Cummings, Dennis Dent and John B. Hogan being in nomination. The votes stood thus: For mr Perkins 87 votes—mr Ewing 84—mr Dearing 77—mr Colgin 76—mr Bonning 72—mr Owen 71—mr Parish 64—mr Somerville 64—mr Guild 56—mr

Snow 56—mr Jack 51—mr Baylor 50—mr Griffin 43—mr Hughes 37—mr Pass 36—mr Donaldson 36—mr Fleck 32—mr Cummings 22—mr Battle 17—mr Hagan 15—mr Baldwin 13—mr Pfister 7—mr Dent 4.

Those who voted for mr Perkins are, mr President, Abercrombie, Conner, Crawford, Evans, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of m. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the senate; mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Walker of D. Walker of m. Wallis, Weissinger and Wellborne.

Those who voted for mr Ewing are, mr President, Abercrombie, Conner, Crawford, Evans, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of m. Perry, Pickett, Ross, Skinner, Smith, Vining, Walthall and Watkins of the senate; mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Metcalfe, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Townsend of P. Walker of D. Walker of m. Wallis, Weissinger, Wellborne and Whitfield.

Those who voted for mr Dealing are, mr President, Abercrombie, Conner, Crawford, Evans, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of m. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the senate; mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Brown, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Mardis, Massey, Metcalfe, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Richardson, Robison, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Wallis, Weissinger, Wellborne and Whitfield.

Those who voted for mr Colgin are, mr President, Conner, Evans, Garth, McVay, Merriwether, Moore of J. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the senate; mr Speaker, Adams, Ambrister, Anderson, Banks, Barton, Barker, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Mardis, Massey, Metcalfe, Mobley, Musgrove, McElderry, Parsons, Penn, Perkins, Richardson, Robison, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Townsend of P. Walker of m. Wallis, Weissinger, Wellborne and Whitfield.

Those who voted for mr Bolling are, President, Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Moore of m. Perry, Ross, Skinner, Smith, Vining, Walthall, Watkins and Wood of the senate; mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Cook, Dale, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Lewis of m. Mardis, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Perkins, Richardson, Robison, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Walker of D. Walker of m. Wallis and Whitfield.

Those who voted for mr Owen are, mr President, Abercrombie, Conner, Crawford, Evans, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of m. Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall and Watkins of the senate; mr Speaker, Adams, Ambrister, Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clark, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Harris, Hodges, Lawler, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Musgrove, McElderry, Parker, Parsons, Pickens, Richardson, Robison, Rogers, Russell, Sanders, Smith of L. Sykes, Terry, Walker of m. Wallis, Weissinger, Wellborne and Whitfield.

Those who voted for mr Parish are, mr President, Conner, Crawford, Evans, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of m. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walthall and Watkins of the senate; mr Speaker, Adams, Ambrister, Barker, Barton, Belser, Bibb of m. Brandon, Bridges, Brown, Clark, Clough, Colgin, Coopwood, Dale, Duke, Durrett, Edmondson, Fearn, Foster, Hodges, Hudson, Lawler, Lewis of F. Lewis of m. Massey, McElderry, Parsons, Penn, Pickens

Richardson, Robison, Sanders, Smith of L. Sykes, Terry, Townsend of P. Walker of D. Walker of m. Wallis. Weissinger. Wellborne and Whitfield.

Those who voted for Mr. Boone vice are, Mr. President Abercrombie Conner Evans Garth Merriwether Moore of J. Moore of m. Perry, Pickett, Powell Ross Vining Walthall Watkins and Wood of the senate; Mr. Speaker Adams Ambrister Anderson Banks Barton Belser Bonnell Clough Cole Colgin Cook Coopwood Dale Duke Dupuy Durrett Edmondson Fearn Gage George Harris Hodges Hudson Lane Lawler Lea Lewis of F. Mardis Metcalfe Mims Mobley Musgrove McElderry Parsons Penn Perkins Robison Rogers Russell Smith of J. Smith of L. Sykes Tarver Terry Townsend of P. Walker of D. and Wallis.

Those who voted for Mr. Guild are, Mr. President Crawford Evans Garth Hubbard Merriwether Moore of J. Moore of m. Pickett Powell Skinner Smith Vining and Watkins of the senate; Mr. Banks Barker Barton Bibb of L. Bibb of m. Brandon Bridges Clark Cole Colgin Cook Dale Durrett Edmondson Fearn Flournoy Foster Gage Hudson Lea Lewis of F. Mardis Massey Mims McElderry Parker Parsons Penn Perkins Pickens Richardson Russell Smith of L. Sykes Tarver Terry Walker of D. Walker of m. Wallis Weissinger Wellborne and Whitfield.

Those who voted for Mr. Snow are, Mr. President Abercrombie Crawford Conner Evans Garth Hubbard McVay Merriwether Moore of J. Moore of m. Pickett Powell Ross Vining and Wood of the senate; Mr. Speaker Anderson Barker Barton Bibb of L. Bridges Brown Clark Colgin Coopwood Dale Duke Dupuy Durrett Edmondson Fearn Flournoy Foster Gage Harris Hodges Lane Lawler Lewis of m. Mardis Massey Metcalfe McElderry Parker Parsons Penn Perkins Richardson Russell Smith of L. Tarver Terry Townsend of m. Wallis and Wellborne.

Those who voted for Mr. Jack are, messrs Abercrombie Crawford Hubbard Perry Smith Watkins and Wood of the senate; Mr. Speaker Adams Anderson Banks Barton Barker Belser Bibb of L. Bibb of m. Bonnell Brandon Brown Clark Clough Cole Cook Duke Dupuy Fearn Gage George Lea Lewis of F. Lewis of m. Mardis Massey Metcalfe Mims Musgrove Parsons Penn Perkins Pickens Rogers Russell Sanders Tarver Terry Townsend of P. Walker of D. Walker of m. Weissinger Wellborne and Whitfield.

Those who voted for Mr. Baylor are, messrs Crawford Hubbard Perry Pickett Skinner Smith Walthall and Wood of the senate; messrs Adams Anderson Belser Bridges Clark Clough Cole Colgin Coopwood Dale Duke Durrett Fearn Flournoy Foster Gage George Hodges Hudson Lea Lewis of F. Mardis Massey Metcalfe Mims Mobley Musgrove Parker Parsons Penn Pickens Richardson Robison Sanders Smith of J. Smith of L. Townsend of P. Walker of D. Wallis Weissinger Wellborne and Whitfield.

Those who voted for Mr. Griffin are, Mr. President Conner Garth, McVay Merriwether Moore of J. Perry Powell Ross and Wood of the senate; Mr. Speaker Adams Anderson Barton Belser Bibb of L. Brandon Bridges Brown Clark Clough Cook Dupuy Flournoy Foster Gage George Hudson Lane Lewis of m. Massey Mims McElderry Parker Pickens Russell Smith of J. Smith of L. Tarver Townsend of m. Townsend of P. Walker of D. and Walker of m.

Those who voted for Mr. Hughes are, Mr. President Abercrombie Conner Evans Hubbard McVay Moore of m. Perry Ross and Wood of the senate; Barker Belser Bibb of L. Bonnell Brown Clough Cook Duke Dupuy George Lane Lewis of F. Lewis of m. Massey Metcalfe Mims Mobley Musgrove Penn Robison Rogers Sanders Smith of J. Sykes Tarver Townsend of m. and Townsend of P.

Those who voted for Mr. Puss are, messrs Abercrombie and McVay of the senate; Mr. Adams Ambrister Banks Belser Bonnell Brandon Clough Dale Duke Dupuy Durrett Gage Harris Hudson Lane Lea Lewis of F. Lewis of m. Massey Metcalfe Mims Mobley Musgrove Parker Perkins Pickens Rogers Tarver Townsend of m. Townsend of P. Walker of D. Walker of m. Wallis and Whitfield.

Those who voted for Mr. Donaldson are, messrs Abercrombie Conner Crawford Garth McVay Moore of J. Moore of m. Perry Pickett Skinner Smith Vining Watkins and Wood of the senate; Mr. Speaker Adams Ambrister Anderson Banks Bibb of L. Bibb of m. Brown Clough Flournoy George Harris Lane Lea Lewis of m. McElderry Parker Robison Rogers Smith of J. Sykes Weissinger and Wellborne.

Those who voted for Mr. Meek are, messrs Crawford Evans Merriwether Powell Skinner Walthall and Watkins of the senate; Mr. Ambrister Anderson Banks Barker Bibb of m. Brandon Bridges Cole Colgin Flournoy Foster Gage Lea Mobley Musgrove Pickens Robison Rogers Sanders Smith of J. Sykes Townsend of P. Walker of m. Weissinger and Whitfield.

Those who voted for Mr. Cummins are, Mr. Walthall of the senate; messrs Ambrister Anderson Brandon Clark Coopwood Dupuy Edmondson Harris Hodges Lawler Mims Parker Perkins Pickens Sanders Smith of J. Terry Townsend of P. Walker of m. Wellborne and Whitfield.

Those who voted for Mr Battle are, messrs Merriwether, Pickett, Ross and Walch of the senate; Mr Bobb of Mr. Bridges, Coopwood, Edmundson, Lawler, Mobley, Perkins, Richardson, Sykes, Terry, Townsend of Mr. and Weissinger.

Those who voted for Mr Hogan are, messrs Evans, Hubbard, Skinner, Smith and Wood of the senate; Mr Adams, Belser, Coopwood, Harris, Hodges, Hudson, Lewis of F. Mims, Pickens and Walker of D.

Those who voted for Mr Baldwin are, messrs Moore of J. Moore of Mr. and Vining of the senate; Mr Bonned, Cook, Duke, Dupuy, Lawler, Lewis of F. Maudis, Metcalfe, Perkins and Richardson.

Those who voted for Mr Pfister are, Mr Abercrombie of the senate; messrs Bonnell, Flournoy, Lane, Lewis of Mr. Townsend of Mr. and Walker of D.

Those who voted for Mr Dent are, messrs Merriwether and Powell of the senate; Mr Clark and Mobley.

Constantine Perkins, Samuel B. Ewing, James H. Dearing, William R. Colgin, Thomas R. Boling, Thomas Owen, William G. Parish, John H. Samerville, James Gould, Henry A. Shaw, William H. Jack and Robert E. B. Baylor having received a majority of votes, were declared by Mr Speaker to be duly elected Directors of the Bank of the State of Alabama.

The two houses then proceeded to the election of a State Printer. Thomas B. Grantland, Wesley W. McGuire, and Caruthers & McFarlane being in nomination. The votes stood thus: For Mr Grantland 7—McGuire 59—Caruthers & McFarlane 34.

Those who voted for Mr Grantland are, messrs Powell and Vining of the senate; Mr Brooks, Lewis of M. Parker, Terry and Whitfield.

Those who voted for Mr McGuire are, messrs Abercrombie, Conner, Crawford, Evans, Hubbard, Merriwether, Moore of M. Perry, Pickett, Ross, Skinner, Smith and Walch of the senate; Mr Adams, Belser, Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Gage, Harris, H. H. Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Maudis, Mussey, Metcalfe, Mims, Parsons, Perkins, Richardson, Robison, Satter, Tarver, Townsend of M. Townsend of P. Walker of D. and Weissinger.

Those who voted for messrs Caruthers & McFarlane are, Mr President, Garth, McVay, Moore of J. Watkins and Wood of the senate; Mr Speaker, Ambrister, Anderson, Barker, Barton, Bibb of L. Bibb of M. Brandon, Brown, Edmundson, Fearn, Flournoy, Foster, George, Mobley, Musgrove, McElderry, Pans, Perkins, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Walker of M. Wallis and Wellborne.

Wesley W. McGuire having received a majority of the whole number of votes, was declared by Mr Speaker to be duly elected State Printer.

The two houses then proceeded to the election of a *Warden* for the port of Mobile, to supply the vacancy occasioned by the resignation of Philip McLoskey, Esq. Daniel Fowler, jr. alone being in nomination. For Mr Fowler 74 votes.

Those who voted for Mr Fowler are, President Abercrombie, Conner, Crawford, Garth, Hubbard, McVay, Merriwether, Moore of J. Moore of Mr. Perry, Pickett, Powell, Ross, Skinner, Smith, Vining, Walch and Watkins of the senate; Mr Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Bibb of L. Bonnell, Brandon, Bridges, Clark, Cole, Colgin, Dale, Duke, Dupuy, Durrett, Edmundson, Fearn, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of M. Maudis, Mims, Mobley, Musgrove, McElderry, Parker, Parsons, Penn, Pickens, Richardson, Robison, Sander, Smith of L. Smith of J. Sykes, Tarver, Terry, Townsend of M. Townsend of P. Walker of D. Walker of Mr. Wallis and Weissinger.

Daniel Fowler, jr. having received all the votes present, was declared by Mr Speaker to be duly elected a warden for the port of Mobile, to fill the vacancy caused by the resignation of Philip McLoskey, Esq.

And then the House adjourned until Monday morning 9½ o'clock.

*Monday, January 19, 1829.*

The House met pursuant to adjournment. Mr Bridges, from the select committee to which was recommended the engrossed bill entitled an act the better to secure the collection of the state revenue, together with some proposed amendments, reported a substitute in lieu of the amendments heretofore reported to the 2d section, which is as follows: 'which sum shall be recoverable on motion of the comptroller before the circuit court of Tuscaloosa county, made by the attorney general against such defaulting assessor and his securities, which motion shall be made at the first term after such failure by any such taxassessor: *provided*, that the comptroller shall give to such delinquent taxassessor and his securi-

ties at least thirty days notice by advertisement in some newspaper printed in Tuscaloosa, and he shall moreover give to such assessor and his securities notice in writing, which shall be directed to them separately by mail; which notice shall be deposited in the postoffice at Tuscaloosa, at least thirty days previous to the time of making such motion. And also by adding thereto an additional section No 4. Which amendments were concurred in by the House; and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

*Mr Coopwood*, from the select committee to which was referred the engrossed bill from the Senate entitled an act prescribing the duties of sheriffs and returning officers, in holding elections and returning the votes of all persons voting on the proposed amendments of the constitution of the state of Alabama, reported amendments by inserting after the word 'published' the words 'in print,' and by adding thereto an additional section No 4; which was adopted, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

*Mr Penn*, from the select committee to which was referred the petition of the trustees of the town of Whitesburg in the county of Madison, praying an amendment to the act incorporating said town, reported a bill to be entitled an act to amend the several acts concerning the town of Whitesburg, in the county of Madison; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed and read a third time on tomorrow.

Engrossed bills from the Senate, of the following titles, to wit: An act further to amend the attachment laws; and an act extending the powers of the judge of the county court and commissioners of roads and revenue of the county of Dallas:—were severally read and ordered to a second reading on tomorrow.

*Mr Parsons* made the following report: The judiciary committee to whom was referred the bill to exempt in favor of every family a horse from sale by execution; and also a resolution to inquire what protection could be given to the estates of married women, have had the same under consideration and respectfully report, that the subject is one of the first magnitude, and in their opinion ought to have engaged the attention of the legislature at a much earlier day, and that to do justice to the subject requires an intimate acquaintance with the civil law; yet the subject, in the opinion of the committee, is of too much importance to be longer delayed, and therefore report a bill as a substitute for the one referred, which by its passage will effect much good, and be hereafter improved and extended as far as reason and justice requires: all of which is respectfully submitted. *Mr Parsons* moved that the bill with the substitute lie on the table until Wednesday next, and that one hundred copies thereof be printed. A division of the question being called for, the vote was first taken on laying the bill on the table and carried. The vote was then taken on ordering one hundred copies to be printed and carried.

*Mr Parsons* made the following report: The committee on the state of the republic, to whom was referred a bill to extend the laws of the state over the country acquired by the treaty of the Indian Springs, have according to order had the same under consideration and respectfully re-

port, that they recommend the amendment of the same by striking out the preamle and caption, and inserting instead thereof, the foliowing, to wit: a bill to be entitled an act to extend the boundaries of the counties therein named, so as to include all the territory now in the possession of the Indians, and over which our sovereignty by compact and by the treaty of the Indian Springs constitutionally extends. Strike out the 3d section from the enacting clause in the first line to the word 'collector' in the 8th line, and insert, 'that it shall be the duty of the county courts of roads and revenue at their first court after this law takes effect, to appoint a suitable person, whose duty it shall be as soon as may;' and by adding thereto an additional sec. no 4. The report was then laid on the table until tomorrow.

Mr Penn made the following report: The judiciary committee to which was referred a communication from his excellency the governor upon the subject of the unsettled claims between this state and the state of Mississippi, showing the manner in which they have been liquidated and adjusted, and suggesting a ratification of the settlement made, have according to order had the same under consideration and have instructed me to report that an engrossed bill from the Senate, embracing the suggestions of his excellency, render it unnecessary to report a bill. They therefore ask leave to be discharged from the further consideration of the message; which was granted.

A message from the Senate, by Mr Lyon: Mr Speaker, The Senate have passed a bill which originated in the House of Representatives entitled an act to provide for the support of the paupers in the county of Jefferson. They have passed bills which originated in the Senate entitled an act to compensate John Elliott for services rendered the state; an act to increase the salary of the quartermaster general; an act to provide for ascertaining the sense of the citizens of Dallas county with regard to the seat of justice in said county; and an act to repeal in part and amend an act entitled an act to amend an act concerning roads, highways, bridges and ferries in the county of Mobile, approved Jan. 15, 1828. In all of which they desire the concurrence of the H. of Representatives.

Engrossed bill from the Senate entitled an act to compensate John Elliott for services rendered the state, was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr. Parsons moved to amend the bill by striking out '75' with a view to insert '100;' which was lost. And the rule being further dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled an act to repeal in part and amend an act entitled an act to amend an act concerning roads, highways, bridges and ferries in the county of Mobile, approved 15th January, 1823, was read and ordered to a 2d reading on tomorrow.

Engrossed bill from the Senate entitled an act to provide for ascertaining the sense of the citizens of Dallas county with regard to the seat of justice in said county, was read and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time and referred to a select committee, consisting of messrs Walker of D, Pickens and Tarver.

Engrossed bill from the Senate entitled an act to increase the salary of the quartermaster general, was read and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to a select committee, consistiu of messrs Lewis of F. Banks and Whitfield to consider and report thereon.

Mr Lewis of m. from the committee on the state of the republic. to which was referred the engrossed joint memorial of the two houses of the general assembly of the state of Alabama to the congress of the United States, requesting that the unappropriated lands within the state of Alabama may be ceded to the state for the purposes of internal improvement, reported the following amendments: strike out the word *the* immediately preceding the word *purposes*, in the 3d line of the 2d page; also strike out the word *aforesaid* immediately preceding the word *purposes*, in the 4th line of the 2d page, and insert in lieu thereof *of internal improvements*; which was adopted by the house. The resolution was then read a third time forthwith, the rule being dispensed with. Mr Parsons moved to amend the amendment, by way of the following engrossed ryder, at the end thereof, with the words *and of education*; which was carried. And the question being put, *Shall this resolution pass?* it was determined in the affirmative. Yeas 64—Nays none.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Bounell, Branden, Bridges, Brown, Cook, Coopwood, Dale, Duke, Dupuy, Darrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hedges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, Mobley, Musgrove, McEldercy, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Robison, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Terry, Townsend of m. Townsend of P. Walker of m. Wallis, Weissinger Wellbourne and Whitfield.

Mr Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, which originated in the House of Representatives, entitled an act for the relief of George A. Campbell, assessor and taxcollector for Autauga county; an act to discontinue and establish certain election precincts therein specified; an act to refund the county treasury of Wilcox county a sum of money therein mentioned; an act to authorize the judges of the county courts and commissioners of roads and revenue of the counties of St Clair and Shelby, to levy a special county tax for certain purposes therein named; an act to authorize Simon Bowden to emancipate a certain slave named Peter; and an act to repeal in part and to amend an act entitled an act to authorize John Smith, of Jefferson county, to emancipate a certain slave therein named.

Mr Cook obtained leave to introduce a bill to be entitled an act to facilitate the settling and the bringing to a final close, the affairs of mercantile and partnership concerns by the surviving partners thereof; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee to consider and report thereon.

Mr Lewis of F. offered the following resolution: *Resolved*, That five hundred copies of the act authorizing the State of Alabama to sell and dispose of certain lands therein named, be printed for the use of the members of the House of Representatives. Mr Wallis moved to amend the resolution by striking out the words *five hundred*, with a view to insert *one thousand*; which was lost. The resolution was then adopted.

Mr Pickens obtained leave to introduce a bill to be entitled an act to repeal an act authorizing the removal of the Tombeckbe bank: which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and ordered to be engrossed for a third reading to-morrow.

Mr Penn obtained leave to introduce a bill to be entitled an act sup-



plemental to an act, passed at the present session of the General Assembly, entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named; which was read and ordered to a second reading to-morrow.

Mr Perkins obtained leave to introduce a bill to be entitled an act for the relief of Elijah Duvall, sheriff of Walker county; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith. The bill was then considered as engrossed, and the rule being further dispensed with, it was then read a third time. Mr Coopwood moved to amend the bill by way of the following engrossed rider: *Provided the comptroller shall be satisfied that said account is legally chargeable on the state treasury*; which was carried. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Walker of D. offered the following resolution: *Resolved*, That, with the concurrence of the Senate, the two Houses will adjourn *en bloc* on Saturday next: Mr Sanders moved that the resolution lie on the table till Saturday next; which was carried. Yeas 34—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Bibb of L. Bonnell, Brandon, Brown, Egan, Denny, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Lane, Lawler, Lee, Lewis of m. Mardis, McElderry, Parker, Parsons, Penn, Perkins, Rogers, Russell, Sanders, Smith of J. Smith of L. Terry, Townsend of m. and Whitfield.

Those who voted in the negative are, messrs Adams, Barker, Barton, Belser, Bibb of m. Bridges, Clough, Cole Cook, Coopwood, Duke, Gage, Harris, Hodges, Hudson, Lewis of F. Metcalfe, Mims, Mobley, Pickens, Richardson, Robinson Sykes, Townsend of P. Walker of D. Walker of m. Wallis and Weissinger.

Mr Smith of L. offered the following resolution: *Resolved*, That this House, after to-day, do meet at seven o'clock in the evening and sit until nine. Mr Weissinger moved that the resolution lie on the table, which was carried.

The engrossed joint resolutions from the Senate proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges' office to six years, was read a second time. Mr Dean moved to amend the resolution by way of the following engrossed rider: *And provided further, that no person who has held the office of judge in this State, shall be eligible to the same office within two years after the expiration of his term of service*. Mr Anderson moved to lay the amendment on the table till the first day of the next session of the General Assembly. Mr Perkins moved also to lay the resolution on the table till the first day of the next session. A division of the question was called for, and the vote was first taken on laying Mr Fearn's amendment on the table till the first day of the next session, and carried. Yeas 54—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Ambrister, Anderson, Banks, Barker, Belser, Bibb of L. Bonnell, Bridges, Brown, Clough, Cole, Cook, Coopwood, Duke, Denny, Durrett, Edmondson, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lee, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, Mobley, McElderry, Parker, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Sanders, Smith of J. Sykes, Terry, Townsend of P. Walker of D. Walker of m. Wallis, Weissinger, Welbourne and Whitfield.

Those who voted in the negative are, messrs Speaker, Barton, Bibb of L. Brandon, Duke, Fearn, Parsons, Penn, Perkins, Smith of L. and Townsend of m.

Mr Barton moved that the further consideration thereof be postponed until to-morrow; which was lost. Mr Harris moved to amend the resolution by way of the following engrossed rider: *Unless removed by ad-*

*ness or impeachment, to come in at the end. And the question being put, Shall this resolution pass?* it was determined in the affirmative. Yeas 54—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Adams, Ambrister, Anderson, Barker, Belser, Bibb of m. Fennell, Bridges, Brown, Clough, Cole, Cook, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, Mobley, McFiderry, Parker, Parsons, Pickens, Richardson, Robison, Rogers, Russell, Salter, Sanders, Smith of J. Sykes, Townsend of m. Townsend of P. Walker of D. Wallis, Weissinger, Welbourne and Whitfield.

Those who voted in the negative are, messrs Speaker, Banks, Barton, Bibb of L. Brandon, Fearn, Penn. Perkins, Smith of L. and Walker of m.

*Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled an act to change the times of holding the county court for Tuscaloosa county was referred to a select committee, consisting of messrs Barton, Perkins, Banks and Whitfield.

Engrossed bill entitled an act to alter the times of holding the courts in the 4th circuit, was referred to the judiciary committee.

Engrossed joint resolution proposing amendments to the constitution of this state, so as to have biennial sessions of the general assembly thereof, was read a third time, and being under consideration, the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock*—The House met pursuant to adjournment.

The engrossed joint resolution from the Senate proposing amendments to the constitution of this state, so as to have biennial sessions of the general assembly thereof. *Mr* Bibb of L. moved that the further consideration thereof be postponed until tomorrow; which was carried.

The engrossed bill entitled an act to alter the time of holding the courts in the sixth circuit, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act to alter the boundary line between the counties of Mobile and Washington, was read a second time and referred to a select committee, consisting of messrs Townsend, Lane and Harris.

The House then resumed the consideration of *Mr* Belser's motion to lay on the table, until the first day of the next session, the bill to be entitled an act to appoint commissioners for the improvement of the navigation of the Tennessee river and other waters: and after some time spent in the consideration thereof, *Mr* Belser asked leave to withdraw his motion; which was granted. The bill was then referred to a select committee consisting of messrs Bibb of L. Fearn, Parsons, Brandon and Lewis of m. to consider and report thereon.

A message from the Senate, by *Mr* Crabb: *Mr* Speaker, The Senate have passed a joint memorial to the congress of the United States, asking a postponement of the land sales in Jackson and Madison counties, and a change of the law regulating such sales and to allow occupants a preemption right: in which they desire the concurrence of the House.

And then the House adjourned until tomorrow morning  $\frac{1}{2}$  past 9 o'clock.

*Tuesday, January 20, 1829.*

The House met pursuant to adjournment.

A message from the Senate, by *Mr* Lyon: *Mr* Speaker, The Senate have passed bills which originated in the House of Representatives, of the following titles, to wit: an act to repeal in part an act to locate the seat of justice for Fayette county, passed Jan. 12, 1826; an act to authorize

George W. Stoner road to emancipate certain slaves therein named; an act to authorize Hector Garrett to emancipate certain slaves therein named; joint memorial to the congress of the United States in favour of Col David White; an act authorizing Wm. Burns and Wm. W. Prewitt to continue their mill on Patastock river; an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax; an act supplemental to an act entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves leied on by execution at the town of Montevallo, passed at the present session of the legislature; an to incorporate the trustees of the Wilcox society for the encouragement of literature; an act to incorporate the Athens male academy in Limestone county; an act to divorce John Lamon from his wife Rebecca Lamon; an act to divorce John Lindsay from his wife A. Lindsay; an act to legalize registering certain deeds or conveyances of lands in this state; and an act for the relief of Susanna Casey. They have passed joint memorials which originated in the Senate entitled joint memorial to the congress of the United States asking an extension of the circuit court system of the federal judiciary to the western and south western states of the union; and joint memorial to the congress of the United States requesting a modification of the act of congress, passed May 23 1823, entitled an act to grant certain relinquished and unappropriated lands to the state of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba and Black Warrior rivers: in which they desire the concurrence of the House of Representatives. They have also passed a bill which originated in their House entitled an act to change the times of holding the fall terms of the courts of the second judicial circuit: in which they likewise desire the concurrence of the House.

Engrossed joint memorial from the Senate to the congress of the United States asking a postponement of the land sales in Jackson and Madison counties and a change of the law regulating such sales and to allow the occupants a preemption right, was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and ordered to a third reading on tomorrow.

Engrossed joint memorial to the Congress of the United States, asking an extension of the circuit court system of the federal judiciary, to the western and south western States of the Union, was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee, with instructions to report on to morrow morning.

Mr Parsons made the following report: The joint committee appointed by the Senate and House of Representatives to superintend the enrollment of the bill entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, beg leave to report to their respective Houses that they have performed that duty, and find the bill correctly enrolled. (Signed) D. HUBBARD, Chairman.

ENOCH PARSONS, Chairman of the com. of the House.

Engrossed joint memorial from the Senate, of the Senate and House of Representatives of the State of Alabama in General Assembly convened to the Congress of the United States, requesting a modification of an act of Congress, passed the 23d of May, 1828, entitled an act to grant certain relinquished and unappropriated lands to the State of Alabama for the

purpose of improving the navigation of the Tennessee, Coosa, Cahawba and Black Warrior rivers, was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with: Mr Penn in the chair. Mr Clay moved that the further consideration thereof be postponed until the first day of the meeting of the next General Assembly.

And then the House adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The House resumed the consideration of Mr Clay's motion to postpone until the first day of the meeting of the next General Assembly, the engrossed joint memorial from the Senate to the Congress of the United States, requesting a modification of an act of Congress, passed the 23d of May, 1828, entitled an act to grant certain relinquished and unappropriated lands to the State of Alabama for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba and Black Warrior rivers. Mr Brown moved to dispense with Mr Clay's motion for the present; which was carried.

Mr Brown, from the select committee to which was referred the bill to be entitled an act to amend an act entitled an act to provide for the establishment of the permanent seat of justice in the county of Walker, passed 15th Jan. 1828, reported a substitute in lieu thereof; which was adopted by the House. It was then ordered to be engrossed for a third reading to-morrow.

The House resumed the consideration of Mr Clay's motion to postpone until the first day of the next general assembly the memorial from the Senate to the Congress of the United States requesting a modification of an act of Congress, passed May 23, 1828, entitled an act to grant certain relinquished and unappropriated lands to the state of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba and Black Warrior rivers; which was carried. Yeas 41—Nays 19.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambriester, Banks, Barker, Barton, Bibb of L. Bibb of m. Connell, Brandon, Brown, Deputy, Derritt, Edmondson, Fearn, Flournoy, Foster, Gage, Harris, H. H. Lane, Lea, Lewis of m. Massey, McElderry, Parker, Parsons, Penn, Perkins, Robison, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tager, Townsend of m. Walker, f m. Wellborne and Whitfield.—Those who voted in the negative are, messrs Adams, Interson, Belser, Bridges, Clark, Clough, Gibson, Hodges, Hudson, Lyler, Lewis of F. Mardis, Metcalfe, Mims, Pickens, Richardson, Walker of D. Wallis and Weissinger.*

A motion of Mr Coopwood, *Resolved*, that, with the concurrence of the Senate, the two houses will meet in the hall of the House of Representatives on Wednesday, 21st inst. at 3 o'clock, p. m. for the purpose of locating the offices of Register and Receiver, as provided for in an act entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, passed by the present General Assembly; and also to create a Register and Receiver, created by said act, together with twelve commissioners to value and select said lands, four of whom to be first elected from the counties bordering on the Tennessee river, and eight from the other counties; and also to elect three persons as members of a judicial board at Tuscaloosa.

Mr Lewis of F. obtained leave to introduce a bill to be entitled an act to increase the salary of the adjutant general of this state; which was read and ordered to a second reading tomorrow.

Mr Whitfield obtained leave to introduce a bill to be entitled an act better to define the boundaries of Tuscaloosa and Bibb counties; which was read and ordered to a second reading on tomorrow.

*Mr Mobley* offered the following resolution: A resolution to stop the per diem pay of the members of the present General Assembly. *Resolved by the Senate and House of Representatives in General Assembly convened,* That the members of the present General Assembly shall receive no per diem compensation after Saturday next, 24th inst. *Mr Adams* offered the following amendment: That no member shall be allowed to speak more than one time to the same question, nor shall any member be entitled to the floor more than twenty minutes at one time, unless leave be granted by two-thirds of the members present, during the remainder of the present session. *Mr Foster* moved that the resolution, together with the proposed amendments, lie on the table until the first Monday in August next; which was carried. Yeas 36—Nays 25.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Barton, Belser, Bibb of L. Bonnell, Clark, Durrutt, Edmondson, Fearn, Flournoy, Foster, George, Hill, Hudson, Lane, Lawler, Lea, Lewis of m. Mardis, Massey, McEiderry, Penn, Perkins, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Tarver, Townsend of m. Walker of m. Weissinger and Wellborne.—Those who voted in the negative are messrs Adams, Banks, Barker, Bibb of M. Brandon, Bridges, Brown, Clough, Cole, Cook, Coopwood, Duke, Dupuy, Hodges, Lewis of F. Metcalfe, Sims, Sledge, Parker, Parsons, Pickens, Richardson, Townsend of P. and Whitfield.*

*Mr Barton* obtained leave to introduce a bill to be entitled an act to secure the testimony of absent witnesses in certain cases therein specified; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee.

*Mr Russell* obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, passed Jan. 12, 1827; which was read and ordered to a second reading on tomorrow.

*Mr Parsons* obtained leave to introduce a bill to be entitled an act concerning the law of escheats; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee.

*Mr Townsend of m.* obtained leave to introduce a bill to be entitled an act amendatory of an act entitled an act establishing schools in the county of Mobile, passed Jan. 10, 1826; which was read and ordered to a second reading tomorrow.

*Mr Coopwood* obtained leave to introduce a bill to be entitled an act to compensate the directors of the bank of the state of Alabama for services rendered the state; which was read and ordered to a second reading on tomorrow.

*Mr Mardis* obtained leave to introduce a bill to be entitled an act to change the time of holding the circuit courts in the counties of Shelby and St Clair; which was read and ordered to a second reading tomorrow.

On motion of *Mr Fearn*, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of regulating by law the mode of instituting impeachments or other prosecutions against judicial officers, with leave to report by bill or otherwise.

*Mr Townsend of m.* obtained leave to introduce a bill to be entitled an act to repeal a certain act therein named; which was read and ordered to a second reading on tomorrow.

*Mr Clark* made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, which originated in the

House of Representatives entitled an act for the relief of **Elijah Smith**, taxcollector of Franklin county; an act to provide for the support of the paupers in the county of Jefferson; and an act to prolong the regular terms of the circuit court of Mobile county and for other purposes.

*Ordered*, That **Mr Townsend** of **P.** have leave of absence after tomorrow for the remainder of the session.

**Mr Mardis**, from the select committee to which was referred the bill to be entitled an act to appropriate and set apart the interest accruing to the state on each and every year upon one hundred thousand dollars, funds of the university of Alabama, for the education of the extreme poor of the state and for other purposes, reported an amendment by adding thereto an additional section. **Mr Mardis** moved to amend the first section of the bill by inserting after the word *persons* the word *native*; which was carried. **Mr Perkins** in the chair: **Mr Clay** moved to amend the bill with the following: *And be it further enacted*, that the poor children advanced in their education by the provisions of this act, shall be of the laid on of each county of the state as near as may be. The bill was then poor the table till tomorrow.

**Mr Walker** of **M.** made the following report: The committee on the state bank have had under consideration the message of his excellency the governor, with the accompanying documents, on the subject of the loan of \$100,000 proposed to be obtained by the state, and have instructed me to ask leave to be discharged from the further consideration of the subject; which was granted.

**Mr Belser** obtained leave to introduce a bill to be entitled an act to enable garnishees to make answer before any judge or justice of the peace of this state in certain cases; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee, to consider and report thereon.

**Mr Bibb** of **L.** made the following report: The select committee to which was referred the bill entitled an act to appoint commissioners for the improvement of the navigation of the Tennessee river and for other purposes, have had the same under consideration according to order, and have instructed me to report that they have amended the same by striking out the title with the 1st, 2d, 3d, 4th and 5th sections of the bill, and by substituting the title and two sections herewith submitted, and making the other sections in said bill correspond therewith. They have further amended the bill by striking out all of the 7th section to the proviso at the end thereof, and attaching that proviso to the 6th section of said bill, and by inserting the word *and* before the word *provided*, and the word *further* after the same. They have further amended the bill by striking out the 11th section after the enacting clause, with a view of inserting the substitute herewith submitted, No 6. All of which is respectfully submitted. (Signed) **THOS. BIBB**, chairman.

The same committee reported a substitute in lieu of the bill referred. *Ordered*, that said report lie on the table and be made the special order of the day for tomorrow, on **Mr Bibb** of **L.**'s motion.

And then the House adjourned till tomorrow morning,  $\frac{1}{2}$  past 9 o'clock:

Wednesday, Jan. 21st, 1829.

The House met pursuant to adjournment.

A message from the Senate by **Mr Lyon**: **Mr Speaker**, the Senate concur in the amendments made by the House of Representatives to the joint memorial to the Congress of the United States, requesting that the

inappropriated lands within the state of Alabama, may be ceded to the state for the purpose of internal improvements therein. They also concur in the amendments made by the House to the joint resolutions proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the Judges' office to six years. They also concur in the several amendments made by the House to bills entitled an act prescribing the duties of sheriffs and returning officers in holding elections and returning the votes of all persons voting on proposed amendments of the constitution; and an act the better to secure the collection of the state revenue. They have read three times and passed bills which originated in the senate entitled an act authorizing the sale of certain lands belonging to the university of the state of Alabama; and an act to authorize the county court of Butler county to appropriate a sum of money therein specified. They have also passed bills and a joint memorial, which originated in the House of Representatives, entitled an act for the relief of Jeremiah W. Thomas, taxcollector of Lawrence county; an act for the relief of Benjamin S. Brumley; joint memorial to the congress of the United States, asking relief for the purchasers of public lands, and for other purposes; and an act to change the time of holding the courts of commissioners of roads and revenue in the county of Franklin—and have amended the latter bill by striking from the 6th line of the 1st section the word *September* and inserting in lieu thereof the word *October*; in which they ask the concurrence of the House.

*Ordered*, that the House concur in the amendments made by the senate to said bill.

The engrossed bill from the senate entitled an act to change the time of holding the fall terms of the courts in the second judicial circuits was read and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to a select committee consisting of Messrs Walker of D. Cook, Mardis, Clark and Barton, to consider and report thereon.

A message from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT. TUSCALOOSA, January 19, 1829

*The Hon the Speaker and Members of the House of Representatives*

*Gentlemen*—I have the pleasure to transmit to you a communication from his excellency William B. Giles, governor of the state of Virginia, with an excellent and valuable new map of that state. This instance of kind attention and courteous liberality, on the part of a distinguished sister state, deserves at present a suitable acknowledgement, and upon some future occasion, such a return of the favor as we may have the opportunity to make. I have the honor to be, most respectfully,  
JOHN MURPHY.

Mr Flournoy moved that the message, together with the accompanying documents, be referred to a select committee—whereupon Messrs Flournoy, Perkins and Anderson, were appointed said committee.

Mr Barton presented the memorial of Harris Mitchell, praying compensation for apprehending a criminal; which was rejected, there not being a majority voting in favor of its reception into the House.

Mr Tarver, from the committee on accounts to which was referred the account of Benjamin Fitzpatrick, solicitor of the sixth judicial circuit reported that the account is not authenticated according to law, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Farver, from the committee on accounts to which was referred the resolution inquiring into the expediency of providing by law for the settlement and payment under proper rules and restrictions of the accounts of

sheriffs, jailers and other officers of state by the comptroller, reported that the legislature have no constitutional power to pass such a law, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Lewis of M. made the following report:

The committee on the state of the republic, to whom was referred a resolution, instructing them to inquire into the constitutional right of the state of Alabama to lay off into counties that tract of country, within the chartered limits of this state, and ceded by the Creek and Cherokee Indians, and also, to report a bill laying off the said territory into counties—respectively report—That, independent of the important general principles involved in the question, they view the subject as one of incalculable interest to the state of Alabama. The present condition calls imperiously on the Legislature to adopt some course of action in relation to a portion of population within her chartered limits, allocated to prevent the free and exclusive operation of her laws; to decrease the dangers of domestic insurrection; to retard the progress of her internal improvements; and to exclude from citizenship that valuable portion of emigrants which would otherwise seek among us their permanent homes, and contribute essentially to the wealth and prosperity of the state. The older members of the confederacy have, in some instances, by the aid of the general government, but in most instances by the exercise of the acknowledged constitutional powers, divested themselves of an evil of such extraordinary magnitude. This circumstance, in a measure, accounts for the want of energy which has of late years characterized the general government in the prosecution of this important object.

Treaties formed at the Indian Springs in eighteen hundred and twentyfive, under circumstances precisely similar to other treaties with the several Indian tribes, ceding to Alabama an important portion of territory, and solemnly ratified by the constitutional authorities, was at a subsequent session of Congress, set aside, not only without her consent, but in opposition to her express wishes. Since that time, no negotiation has been attempted for the purpose of acquiring any portion of the territory of Alabama, though Georgia, by firmly insisting on her rights, has obtained a full cession of her territory, included in the treaty of the Indian Springs. A more decisive course on the part of Alabama would doubtless have secured her the same advantages. The committee would here observe, that the efforts now making to remove the Indians west of the Mississippi, will likely prove abortive, so long as white men are suffered to remain among them, whose interests are opposed to a removal. An agent is appointed, whose duty it is to remove them; and yet the resident agent possessing, by longer and more intimate acquaintance, far more influence with the Indians, is directly interested in their remaining. This policy, however injurious to Alabama, may suit the views of a cabinet whose principal financial officer has unflinchingly advocated the policy of checking the tide of western and southern emigration, in order to increase the number of those who may earn the pittance of human subsistence in the workshop of some armed manufacturer. Under these circumstances, it becomes the state of Alabama to reflect whether she will wait the slow, tedious, and uncertain progress of this system to acquire the possession and jurisdiction of about one fifth of her chartered limits, and that the most valuable portion of her territory, or whether she will hasten the consummation of her rights by an immediate exercise of her own powers.

This view of the subject brings the committee to the question, whether the state of Alabama can, constitutionally, exercise jurisdiction over the Indian tribes within her limits. They believe that locality is the proper measure of jurisdiction, and that its exercise depends more upon the place where than the subject upon which it is exercised. Upon general principles, they hold it unquestionable, that all sovereign states have a right of jurisdiction over their entire chartered limits, and that this right does not depend on the class of subjects upon which it operates. A Turk resident in any part of Alabama, would be as much under the jurisdiction of the state as a native born citizen. General laws are made for a particular section of country, and they operate with equal force upon every variety of the human species, whatever may be the characteristic differences of complexion, or language; whether upon Spaniards, Indians, Negroes, or Anglo-Americans. The measure proposed is to extend the operation of certain laws, not over the Indians particularly, but over any one else who may be resident within certain limits.

If then the general principle is established, that the sovereignty of independent states is co-extensive with their limits, the committee would inquire whether the principle is varied in relation to Alabama, as a constituent member of the Union, by the federal constitution, or by any reservation of sovereignty in favor of the Indians, either in the act of Congress, admitting Alabama into the Union, or in our state constitution? In the act of



admission, no such reservation of sovereignty is made. On the contrary, it is expressly declared, "that their inhabitants of the state of Alabama be and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they may deem proper; and that the said territory, when formed into a state, shall be admitted into the Union upon the same footing with the original states, in all respects whatsoever." It is a fact of historical notoriety, that most of the states have, at some time or other, either exercised the power in question, or the still stronger power of forcibly expelling the Indians from their limits; and in no instance has this power been disputed, excepting in the single case of recent occurrence, when the present Executive of the Union issued his military threat against the state of Georgia—a threat which was disregarded by that patriotic state, and viewed as the result of the most inconsiderate passion by the rest of the Union. To contend that Alabama is divested of a power which has been so frequently exercised by other states, is at once a confession that her sovereignty is not on a footing with the older states.

After a careful and attentive examination of the federal constitution, your committee have been able to find no provision impugning the power in question. The great men who framed that sacred instrument, believing that they were chosen to form a National Government for great external purposes, appear studiously to have avoided any interference on subjects so entirely connected with state sovereignty. They have not even prescribed the qualification of voters for members of Congress; but have left it to be determined by the state authority. The only provision to be found in relation to the citizens of the several states is in the third article of the second section, which provides that representatives and direct taxes shall be apportioned among the several states within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding those *Indians not taxed*, three fifths of all other persons whatsoever. It appears obvious to the committee that the exclusion of *Indians not taxed*, from federal representation, is an admission that they may rightfully *be taxed*, and *when taxed* shall, as other citizens, be entitled to federal representation. Your committee would inquire in what way can they be taxed except by the state authority in which they reside, and whether such taxation is not a direct and palpable exercise of jurisdiction which involves every other right of possible legislation?

The opinion is prevalent that Congress alone can legislate in relation to the Indians; and hence, that the state governments have no such authority, considered as a portion of population within a sovereign state, possessing, as has always been conceived, a mere tenancy at will in the soil, and neither sovereign or independent as a people. Such interference on the part of the general government appears not only unwarranted by the constitution, but dangerous in the extreme. If Congress can invade the jurisdiction of a state, and in any way extend or abridge the rights of individuals, what is to prevent its interference with the slave population of the southern states? If it can say to the state of Alabama, that Indians cannot be citizens, it can, by a similar exercise of municipal power within its limits, say that Negroes shall not be slaves. To admit that the general government could, in any way, exercise a power so entirely internal and domestic in its character, and so essential to state sovereignty, would be to concede every thing sacred in private rights to the allgrasping hand of federal power. It would be consolidation in the extreme, and despotism in the most frightful form. The committee would here remark, that the powers hitherto exercised by Congress in relation to the Indians, are now where authorized by the constitution, but have been the result merely of permission and acquiescence on the part of the states. Previous to the formation of the constitution the states alone exercised the power in question; and no provision in the constitution can be found yielding them to Congress. If then, in the language of the constitution, all powers not expressly given to the general government are reserved to the states, then these powers still exist in the states. The committee would here present such provisions of the constitution which bear on the subject, with a view to ascertain if this power of legislation has been granted to Congress. The third article in the eighth section authorizing Congress to regulate commerce with foreign nations, among the several states, and with the Indian tribes, can certainly confer no other power than that of appointing commercial agents, and making some general regulations in relation to their trade. To contend that it gives Congress any control or jurisdiction over them, would be an admission of the jurisdiction of Congress over the several sovereign states of the Union, whose trade is subject to similar regulations under the same provisions of the constitution.

The committee are of opinion that the treaty-making power does not confer on Congress any authority in relation to this subject. The fact is within the recollection of the committee, and they regret that the Journals of the United States' Senate are not in their possession to establish it, that during the last session of Congress the Senate, by a decided majority, refused to ratify an Indian treaty on the express ground that it was

not a treaty with a sovereign and independent government, within the meaning of the constitution, and that to ratify such compacts as treaties, would be an admission of the sovereignty of the Indians, and their right of soil to an extent incompatible with the policy of the United States was then pursuing, and had always pursued in relation to them. The decision of the Senate against the exercise of one of its highest powers in relation to the Indian tribes will, in the estimation of the committee, be conclusive.

It then, the sovereignty of Alabama over our chartered limits is neither modified by her state constitution, her admission into the union, or by the federal constitution. It remains to be inquired whether there is such sovereignty on the part of the Indians, as to prevent the extension of jurisdiction? To admit this position would be to reverse the judgments of all civilized nations, from the first discovery of America.

No nation has ever conceded to them such right of soil and sovereignty as to exclude the claims of civilized men. The first settlements in the U. States, and all subsequent extensions of sovereignty, have been predicated upon the principle that the Indians have only a usufructuary interest in the soil, and that this interest is subservient to the higher rights of civil society. The decision of the Senate just alluded to is predicated upon the same principle.

The committee are of opinion that to admit the sovereignty of the Indian tribes within our chartered limits, would be an admission that the state of Alabama is not sovereign, and that as a member of the union we are not on an equality with our sister states; a concession so humiliating it is believed that the Legislature is not disposed to make.

The report of the present secretary of War, who, whatever measures he may think proper to adopt, appears in principle to accord more with the views of this state, than his immediate predecessor recommends, either that the Indians be removed by the authority of the General Government, or that they be made a constituent part of the body politic. The committee would suggest that so far as the extension of jurisdiction over the Indian tribes shall conduce to the removal of the Indians west of the Mississippi, they believe it would be a co-operation with the efforts of the General Government.

The great object of the proposed measure, must be to bring about their removal. It is believed that when they shall discover that the state of Alabama is determined upon her sovereign rights, and when they see and feel some palpable act of legislation under the authority of the state, that their veneration for their own law and customs will induce them speedily to remove to that region of country west of the Mississippi, which the munificence of Congress has procured as more congenial with their pursuits, and affording more facilities to that extensive system of beneficence which the objects of humanity imperiously require. This project, so benevolent in itself, and so congenial to the interests of the states in which the Indians reside, owes its first suggestion to the good sense and humanity of Mr Monroe, while President of the United States. It has ever since been the settled policy of the government, and has received from one extreme end of the union to the other, the most unqualified approval.

The committee, in determining that the state have the right to extend its jurisdiction over its entire limits, are amply sustained both by authority and precedent.

Senator Benton, the able advocate of the interests of the new states, in a report to the Senate during the last session of congress, insisted that the states having Indian tribes within their limits, would be necessarily compelled to exercise their acknowledged sovereign power in extending jurisdiction over them, in order to effect their removal, and that their existence, as a separate government within the limits of a state, was incompatible with every idea of state sovereignty. In addition to the frequent assertions, by southern members of this right, on the floor of congress, the entire delegations of those states, having Indian tribes within their limits, met together for the purpose of conferring on the best means of getting rid of so great an incumbrance. The question was referred to a sub-committee, consisting of messrs McKinley, Cobb and Reed, who reported at length in favour of the constitutionality and expediency of extending jurisdiction over them as the best means of effecting their removal. The committee regret that it is not in their power to procure this report, inasmuch as it adduces many instances of the exercise of power, and some instances of judicial decisions sustaining such power.—The same principle has been ably advocated by Governors Troup and Forsyth, in their messages to the Legislature of Georgia. The following is an extract from the last message of Gov. Forsyth: "In no instances since the adoption of the constitution of the United States, has the authority of a state, exercised over the Indians in its limits, been disputed or disregarded. The Penobscots and Passamaquoddis in Maine and Massachusetts—the Narragansetts in Rhode Island—the Senecas and Onondagos in New York—the Choptanks and Nanekokes of Maryland—the Pamunkies of Virginia—the Catawbas in South Carolina—the remnants of various tribes in the old thirteen states except North Carolina and Georgia, are all protected and governed by state laws. Your committee indulge the hope, that sustained by such high authority, the Legislature will not fail to exercise the power in question to the extent necessary to effect the great objects of re-

moving the Indians without the limits of this state. They recommend, as at present most expedient, the extension of jurisdiction over the Creeks by an act, the most rigid features of which shall be prospective in its operation, in order that due time may be given them to emigrate before they come under its operation. At a future time, they believe the same course may be necessary, in relation to the other Indian tribes within our limits.

DIXON H. LEWIS, Chairman

Mr Mobley moved that the report lie on the table and that 500 copies thereof be printed for the use of the House: which was carried.

Mr Mobley made the following report: The committee upon the judiciary to whom was referred a bill to alter the times of holding the courts in the fourth judicial circuit have according to order had the same under consideration, and have instructed me to report the same without amendment, as a bill which in the opinion of this committee ought to pass: the bill was then read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Mobley, from the judiciary committee to which was referred the bill to be entitled an act to facilitate settling and bringing to a final close the affairs of mercantile and partnership concerns by the surviving partner or partners thereof, reported the same without amendment: Mr Clark moved that the bill lie on the table till the first day of March next; which was carried. Yeas 44—Nays 17.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Adams, Ambrister, Anderson, Banks, Barker, Barton, Belser, Bibb of L. Bibb of m. Brandon, Bridges, Brown, Clark, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Durrett, Edmondson, Foster, Hodges, Hudson, Lawler, Lea, Mardis, Massey, Metcalfe, Mims, McElderry, Perkins, Pickens, Richardson, Rogers, Russell, Salter, Sanders, Smith of J. Sykes Weissinger, Welbourne and Whitfield.*

*Those who voted in the negative are, messrs Cook, Dale, Flournoy, George Harris, Lane, Lewis of F. Lewis of m. Mobley, Parsons, Penn, Robison, Smith of L. Towner, Townsend of m. Townsend of P. and Walker of m.*

Mr Bibb of M. made the following report: The committee on schools, colleges and universities, and school and university lands, to which was referred resolutions concerning the laws regulating the management of the 16th sections, have according to order, had the same under consideration, and have instructed me to report that they believe no material amendments to the laws at present in force relative to the 16th sections can be made without remodelling said laws, and as the present session has already been much protracted, and there yet remains a large mass of unfinished business before the House, some of which is of a highly important character, they would therefore respectfully suggest the inexpediency of legislating upon this subject at the present session of the general assembly, and ask leave to be discharged from the further consideration thereof; which was granted.

Mr Foster, from the military committee, to which was referred the petition of the officers of the bank of the state, reported a bill to be entitled an act to exempt certain persons from military duty in this State; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith; and the rule being further dispensed with, it was then considered as engrossed, and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Foster, from the military committee, to which was referred the petition of sundry members of the company commanded by Capt. Hoods:

In St Clair county, reported a bill to be entitled an act to authorize the company of William Hood, of St Clair county, to continue to muster at their present muster ground; which was read and ordered to a second reading to-morrow.

Mr Foster, from the military committee, to which was *referred* the resolution requiring the militia of this state to muster with arms; requiring company officers to uniform in blue domestic jeans, and requiring non-commissioned officers to attend regimental drills, reported a bill to be entitled an act to compel company officers of the militia of this state to uniform, and for other purposes; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Parsons moved to strike out of the 4th section the word *arraigned*, to insert the word *charged*; which was carried. Mr Parker moved to refer the bill to a select committee; which was lost. Mr Coopwood moved to strike out the words *on the first Saturdays*, in the 7th section, which was carried. Mr Penn moved to amend the 1st section by adding the words *or cloth of the description required by the regulations of the United States' army*; which was lost. Mr Durrett moved to strike out the 4th section of the bill; which was lost. Mr Smith of L. moved to strike out the words *January and April*; which was lost. Mr Coopwood moved to amend the bill with the following: *That there shall be four company musters in each year*. Mr Clark moved that the bill, with the proposed amendment, lie on the table till the 1st day of March next; which was carried. Yeas 31—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambister, Anderson, Banks, Barker, Bibb of m. Bonnell, Brandon, Brown, Clark, Duke, Durrett, Edmondson, Fearn, Harris, Hudson, Lawler, Lewis of E. Metcalfe, McElderry, Penn, Perkins, Richardson, Rogers, Russell, Smith of J. Smith of L. Sykes, Weissinger, Welbourne and Whiffeld.

Those who voted in the negative are, messrs Adams, Belser, Bibb of L. Cloughy, Cole, Colgin, Coopwood, Dale, Deary, Flournoy, Foster, George, Hill, Hodges, Lee, Mardis, Parker, Parsons, Pickens, Robinson, Salter, Tarver, Townsend of P. and Walker of n.

A message from the Senate, by Mr Crabb: Mr Speaker, the Senate concur in the resolution of the House of Representatives, relative to the location of the offices of register and receiver of the land office, created by an act entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named; and to the election of a register and receiver, and twelve commissioners to select and value said lands as provided for in said act; and also to the election of three persons as members of the medical board at Tuscaloosa, and have amended the same so as to go into the location of the offices of register and receiver, and the election of register and receiver of said offices this evening at 4 o'clock, and so as to go into the election of the twelve commissioners and medical board of Tuscaloosa, as mentioned in said resolution, on tomorrow evening at four o'clock; in which amendments they desire your concurrence.

In which amendments the house concurred.

The engrossed bill from the Senate entitled an act to authorize the county court of Butler county to appropriate a certain sum of money therein specified, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was ordered to a third reading tomorrow.

The bill from the Senate entitled an act authorizing the sale of certain lands belonging to the university of the state of Alabama, was read and ordered to a second reading tomorrow.

Mr Harris, from the select committee to which was recommended the bill entitled an act to alter the boundary line between the counties of Mobile and Washington, reported the same with the following amendment: By adding thereto an additional section, No 3; and the rule requiring bills to be read on three several days being dispensed with, the bill was then considered engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Chapwood made the following report: The select committee to which was referred the petition of sundry citizens of Franklin county, praying the removal of the seat of justice of said county from Russelville, the present site, to the town of Tuscombria, have had the same under consideration and have instructed me to report, That there is in the county of Franklin, according to the best information your committee have been able to obtain, between twelve and thirteen hundred votes at their annual election, and that there is four hundred and eleven subscribers to the petition for the removal of the courthouse, which furnishes prima facie evidence that a large majority of the citizens of Franklin county are opposed to removing the courthouse; and it must be evident that in an effort of this kind all the petitioners that could be procured would be. This fact itself would seem to furnish sufficient reasons why the removal should not be made; but other circumstances still stronger oppose themselves to the removal of the present seat of justice. It is located in one or two miles of the geographical centre of the county, and much nearer the centre of population than it would be if removed to the town of Tuscombria. On an examination of the map it will be seen that the town of Tuscombria is within one and a half miles of the Tennessee river, the northern boundary line of Franklin county, and within five miles of the town of Florence, the seat of justice for Lauderdale county. In the town of Russelville there is a courthouse and jail, which cost 11 or \$12,000, as we are informed by good authority, a sum raised by taxes on the citizens of the county, in consequence of the location of the seat of justice at its present site, permanently as was supposed. The citizens purchased property at a high price and expended large sums in the improvement of it, which they would not have done had they supposed that an effort would ever have been made to remove the seat of justice from that place, the only cause that made it valuable. From all of which your committee are of opinion, that the location of the seat of justice of Franklin county at its present site was a good one, and therefore think that it ought not to be removed. Your committee have ever been of opinion that seats of justice long established, and by the consent and approbation of a respectable majority at the time of the establishment and at the expense too of the citizens agreeing to such location, should not be removed but on a very respectable majority of the qualified electors of the county in which the removal may be required. It has been remarked by your committee, in the course of their practical experience, that efforts of this kind are usually accompanied with all the art that wealth and its influence can lend to the accomplishment of measures which are calculated, from their character, to destroy the best interest of a respectable minority, whose interest should never be sacrificed without promoting mainly the interest and happiness of a large majority. Your committee here beg leave to state that they subscribe most heartily to the doctrine, that in all questions of policy, involving the interests of the people at large, the will of the majority should be implicitly obeyed; but in local and county questions, where a minority may have contributed an equal or perhaps greater portion of their labour to the erection of court houses or other public buildings, at a time when all parties concerned were agreed, this doctrine would not so well apply. Circumstances might occur where much injury could be done by a minority even to a majority, by the undue exercise of an improper influence in the accomplishment of an object, which on more mature reflection would be found highly detrimental to a majority. The same dangers of the abuse of power was apprehended by the wise framers of the constitution, and guarded against by that provision which requires a majority of all the members of the General Assembly to pass any law, however small may be its importance. Your committee are further of opinion, that there ought to be at least one half of the qual-

lified electors of any county petitioning before they should be authorized by a vote to remove their seat of justice; if not, the minority might harass the majority by frequent elections on that subject, without any good effect resulting from it. From the evidence and reasons here assigned, your committee are of opinion that the prayer of the petitioners, though respectable in numbers, is unreasonable and ought not at this time to be granted. All of which is respectfully submitted. In which report the House concurred.

Mr Whitfield, from the select committee to which was referred the bill from the Senate entitled an act to increase the salary of the quartermaster general, reported the same with the following amendment: strike out all of said bill after the word *law*, in the sixth line of the bill. In which amendment the House concurred.

Mr Smith of L. from the select committee to which was referred the bill from the Senate entitled an act to alter and change a certain part of the road leading from Florence, in Lauderdale county, to Athens, in Limestone county, reported the same with the following amendment: by adding thereto an addition section, No 3. which was concurred in; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate the therewith.

Mr Coopwood offered the following: I shall move tomorrow that the rule of this House, which permits the introduction of new business after a particular day, without the consent of two thirds of the members present, be rescinded; which, according to the rules of the house, lies on the table one day.

Mr Walker of D. from the select committee to whom was referred the bill from the Senate entitled an act to provide for ascertaining the sense of the people of Dallas county, with regard to the seat of justice in said county, reported the same with the following amendments by adding thereto sections numbered 3, 4 and 5. The bill, with the proposed amendments, was then laid on the table till tomorrow.

The house then proceeded to the orders of the day.

The engrossed bill entitled an act to arrange, designate and establish the boundaries between the counties of Butler, Pike and Covington, and for other purposes, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

And then the house adjourned till 3 o'clock.

*Evening Session, 3 o'clock*—The House met pursuant to adjournment.

Mr Ambrister, from the committee on roads, bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency or inexpediency of authorizing the judge of the county court of Blount county to cause to be kept in repair the road leading from Maston Mead's, in said county, to Gunter's landing on the Tennessee river, reported a bill to be entitled an act to authorize the judge of the county court of Blount county and the commissioners of roads and revenue of Blount county, to cause to be opened and kept in repair the road leading from Maston Mead's, in Blount county, to Gunter's landing on the Tennessee river; which was read and ordered to a second reading tomorrow.

The joint resolution from the Senate proposing amendments to the constitution of this State, so as to have biennial sessions of the general assembly thereof, being under consideration; Mr Terry offered the following amendment to the first number of the resolution: Strike out the words *entitled by numbers to the right of separate representation, and in*

ert in lieu thereof the next succeeding census and apportionment. Mr. Belser moved that the resolution, with the proposed amendment, be postponed until the first day of the meeting of the next General Assembly; which was lost. Yeas 16—Nays 54.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Banks, Barton, Belser, Bonnell, Broadnax, Clark, Cook, Dale, Gage, Lane, Lawler, Lewis of m. Perkins, Robison, Townsend of m. and Whitfield.

Those who voted in the negative are, messrs Speaker, Adams, Ambrister, Anderson, Barker, Bibb of L. Bibb of m. Brandon, Bridges, Brown, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Durrett, Edmondson, Fearn, Flomnoy, Foster, George, Harris, Hill, Hodges, Hudson, Lea, Lewis of F. Mardis, Massey, Metcalfe, Mims, Mobley, McElderry, Parker, Parsons, Penn, Pickens, Richardson, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of P. Walker of D. Walker of m. Wallis, Weissinger, and Welbourne.

Mr Bibb of L. moved that the further consideration of the resolution be postponed, and that it be made the special order of the day for tomorrow; which was carried.

On motion of Mr Bridges, *Resolved* That the Senate be invited to assemble in the representative hall, for the purpose of going into the elections as contemplated by a previous resolution.

The Senate having repaired to the hall of the House of Representatives—

When the two houses proceeded to designate by joint vote the place for the location of the offices of Register and Receiver of the Landoffice created by an act entitled 'an act to enable the state of Alabama to sell and dispose of certain lands therein named.' The town of Athens, in Limestone county; Courtland, in Lawrence county; Florence, in Lauderdale county; and Tusculumbia, in Franklin county, being in nomination. The votes stood thus: For Athens 34—Courtland 48—Florence 7—Tusculumbia 2.

Those who voted for the location of the Landoffice at Athens are, mr President, Abercrombie, Conner, Powell, Ross, Vining and Watkins of the senate; mr Speaker, Banks, Barker, Barton, Bibb of L. Brandon, Cook, Dale, Edmondson, Fearn, Harris, Lane, Lawler, Lewis of m. Mardis, Mobley, Parsons, Penn, Rogers, Russell, Sanders, Terry, Townsend of m. Walker of m. Weissinger, Welbourne and Whitfield.

Those who voted for the location of the Landoffice at Courtland are, messrs Crawford, Evans, Garth, Hubbard, Merriwether, Moore of J. Moore of m. Perry, Pickett, Smith and Walthall of the senate; messrs Adams, Ambrister, Anderson, Belser, Bibb of m. Bridges, Broadnax, Brown, Clark, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Flournoy, Foster, Gage, Hill, Hodges, Hudson, Lea, Massey, Metcalfe, Mims, McElderry, Parker, Pickens, Richardson, Robinson, Salter, Smith of J. Sykes, Tarver, Townsend of P. Walker of D. and Wallis.

Those who voted for Florence are, messrs McVay and Wood of the senate; mr Bonnell, Durrett, George, Perkins and Smith of L.

Those who voted for Tusculumbia are, messrs Skinner and Lewis of F.

Courtland, in Lawrence county, having received a majority of the whole number of votes, was declared by mr Speaker to be designated as the place for the location of the Landoffice created by an act entitled 'an act to enable the state of Alabama to sell and dispose of certain lands therein named.'

The two houses then proceeded to the election of a Register of the Landoffice, created by the provisions of the above recited act. John D. Carr and Benjamin M. Bradford being in nomination. The votes stood thus: For mr Carr 42 votes—mr Bradford 48.

Those who voted for mr Carr are, mr President, Abercrombie, Conner, McVay, Merriwether, Moore of m. Powell, Ross, Skinner, Vining and Walthall of the senate; mr Speaker, Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Broadnax, Colgin, Dupuy, Durrett, Edmondson, Fearn, George, Harris, Hill, Hudson, Lane, Lawler, Lewis of F. Lewis of m. Penn, Perkins, Sanders, Smith of L. Sykes, Tarver, Terry, Townsend of m. Walker of m. Weissinger and Whitfield.

Those who voted for mr Bradford are, messrs Crawford, Evans, Garth, Hubbard, Moore of J. Perry, Pickett, Smith and Watkins of the senate; mr Adams, Ambrister, Anderson, Banks, Barker, Belser, Bridges, Clark, Clough, Cole, Cook, Coopwood, Dale, Duke, Flournoy, Foster, Gage, Hodges, Lea, Mardis, Massey, Metcalfe, Mims, Mobley, McElderry, Parker, Parsons, Pickens, Richardson, Robinson, Rogers, Russell, Salter, Smith of J. Townsend of P. Walker, of D. Wallis and Welbourne.

Benjamin M. Bradford having received a majority of votes, was declared by mr Speaker to be duly elected Register of the Landoffice, created by the provisions of an act entitled 'an act to enable the state of Alabama to sell and dispose of certain lands therein named.'

The two houses then proceeded to the election of a Receiver of public monies, created



the before recited act. Jack Shackelford and Samuel Craig being in nomination. The votes stood thus: For Jack Shackelford 72 votes—For Samuel Craig 17.

Those who voted for mr Shackelford are, mr President, Abercrombie, Connor, Crawford, Evans, Garth, Meriwether, Moore of J. Moore of m. Perry, Pickett, Powell, Ross, Smith, Watkins and Wood of the senate; mr Speaker Adams, Ambrister, Anderson, Backs, Barker, Barton, Belser, Bibb of L. Bibb of m. Cornell, Brandon, Broadnax, Brown, Clark, Cough, Cole, Colgin, Cook, D. Le Dupuy, Fearn, Flournoy, Foster, Gage, Harris, Hill, Lane, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mobley, Munn, McElherry, Parker, Parsons, Penn, Richardson, Robison, Rogers, Russell, Salter, Sanders, Smith of J. Sikes, Tarver, Townsend of m. Townsend of p. Wallis, Weissinger, Wilborne and Whitfield.

Those who voted for mr Craig are messrs Hubbard, McVay, Vining and Walhall of the senate; mrs Bridges, Coopwood, Duke, Durrutt, Edmondson, George, Hodges, Perkins, Pickens, Smith of L. Terry, Walker of D. and Walker of m.

Jack Shackelford having received a majority of all the votes, was declared by mr Speaker to be duly elected Receiver of public monies at the Landoffice, created by an act entitled 'an act to enable the state of Alabama to sell and dispose of certain lands therein named.'

It being 40 minutes after 4 o'clock, p. m. Mr Mardis moved that the House adjourn until tomorrow morning at past 9 o'clock; which was carried. And then the House adjourned.

*Thursday, January 22, 1829.*

The House met pursuant to adjournment.

Mr Barton, from the judiciary committee to which was referred the bill to be entitled an act concerning the law of escheats, reported the same without amendment. Mr Weissinger moved that the bill lie on the table until the first day of March next; which was carried.

Mr Barton, from the judiciary committee to which was referred the bill to be entitled an act concerning roads, bridges and ferries, juries, the county and orphans' courts of ordinary, and the courts of roads and revenue, and for other purposes, reported the same without amendment. It was then laid on the table.

*Ordered*, That Mr Wallis have leave of absence after today for the remainder of the session.

Mr Barton, from the judiciary committee to which was referred the two resolutions instructing them to inquire what alterations, if any, should be made in the time of holding the several circuit and county courts of this state, and particularly the circuit court of Greene county, reported a bill to be entitled an act to alter the times of holding the circuit courts in the several counties of the third judicial circuit; which was read. Mr George moved that the bill lie on the table until the first day of the next session of the general assembly; which was carried.

Mr Barton made the following report: The judiciary committee to which was referred a joint memorial of the general assembly of Alabama to the congress of the United States, asking an extension of the circuit court system of the federal judiciary to the western and southwestern states of the union, have had the same under consideration and instructed me to report the same with the following amendments: insert the word *but* between the words *cannot* and *be*, in the 17th line of the third page; and also strike out the word *bestown*, in the same line, and insert *bestowed*; in the 18th line of the same page insert the word *been* between the word *has* and the word *proposed*; and by adding thereto two additional numbers to the resolution. In which amendments the house concurred; which was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Barton, from the judiciary committee to which was referred the



bill to be entitled an act to enable garrishees to make answer before any judge or justice of the peace of this state in certain cases, reported the bill without amendment. The bill was then laid on the table.

Mr Barton, from the judiciary committee to which was referred a bill to be entitled an act to secure the testim of absent witnesses, in certain cases therein specified, reported the same with an amendment, by adding thereto an additional section; which was adopted by the house. Mr Flournoy moved that the further consideration of the bill be postponed until the first Monday in August next; which was lost. Yeas 9—Nays 52.

*The yeas and nays being desired those who voted in the affirmative are, messrs C. gin, Cook, C. o wood, Edmondson, Flournoy, George, Harris, Hodges, Marks,*

*those who voted in the negative are, messrs Speaker, noxister, Anderson, Banks Barker, Barton, Belsir, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Clark Clough, Cole, Dale, Duke, Dupuy, Derrett, Fearn, Foster, Gage, Hill, Hudson L. ne, Lawler, Lea, Lewis of F. Massey, Metcalfe, Nims, Moblen, McElderry Pecker, Parsons, Penn, Perkins, Pickers, Richardson, Robison, Rogers, Russell Sater, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Walker of m. Weissinger, Wellborne and Whitfield*

The bill was then ordered to be engrossed for a 3d reading tomorrow.

Mr George made the following report: The committee on county boundaries to whom was referred a resolution instructing them to inquire if Bibb county be unconstitutional, to what county or counties its territory was attached that made it so, and whether the line recently run between Tuscaloosa and Bibb be in conformity with the previously existing laws, have according to order had the same under consideration and report, that by the passage on the 20th Dec. 1820, of an act entitled an act to alter the boundaries of certain counties therein mentioned, the county of Bibb was reduced below her constitutional limits, by the annexation of a part of her territory to the county of Perry. The committee, or the second branch of the resolution, have made no inquiry. The line was run between the counties of Bibb and Tuscaloosa under a law of the last session, appointing commissioners, citizens of neither county, to run and mark said line. The committee, therefore forbear to make any inquiry whether said line was or was not run according to previously existing laws; and ask leave to be discharged from the further consideration of the subject. Mr Barton moved that the report lie on the table. Mr Perkins then moved that the committee be discharged from the further consideration of the subject; which was carried.

Mr Gage made the following report: the committee on county boundaries to whom was referred the petition of sundry citizens of the county of Bibb, praying the removal of the county seat of said county from the present to the former county seat of said county; and also that said county be reinstated in her chartered limits possessed in the year 1819 and 1820, have according to order had said petition under consideration, and have instructed me to ask leave to be discharged from the further consideration of said subject; which was granted.

Mr Gage made the following report: the committee on county boundaries to whom was referred a resolution instructing them to inquire whether there are any county or counties in the state that have not their constitutional limits, and if so, from what county or counties such deficiency can best be supplied, with leave to report by bill or otherwise; and also a resolution instructing them to inquire into the expediency of annexing from some adjoining county to the county of Bibb so much additional territory as will make the county of Bibb constitutional; and also the petition of sundry citizens of that part of Tuscaloosa county called Hill's

settlement, praying the balance of said settlement be added to Bibb co., together with the counter petition of sundry citizens of said settlement protesting against said connexion, have according to order had said resolution and petitions under consideration, and instructed me to report by bill. The same committee reported a bill to be entitled an act to annex additional territory to Bibb county, so as to make the same constitutional; which was read and ordered to a second reading on tomorrow.

Mr Walker of D. made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in this house, of the following titles, to wit: an act to authorize Hector Garrett to emancipate certain slaves therein named; an act to repeal in part an act to locate the seat of justice for Fayette county, passed Jan. 12, 1826; an act to authorize Wm. Burns and Wm. W. Pruitt to continue their mill on Paintrock river; an act supplementary to an act entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo, passed at the present session of the legislature; an act for the relief of Susanna Casey; an act to legalize registering certain deeds or conveyances of lands in this state; an act to authorize George W. Stoneroad to emancipate certain slaves therein mentioned; an act to divorce John Lindsay from his wife Abbey Lindsay; an act to divorce John Layman from his wife Rebecca Layman; an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax; an act to incorporate the trustees of the Wilcox society for the encouragement of literature; an act to incorporate the Athens male academy in Limestone county.

A message from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, *Tuscaloosa, January 22, 1829.*

The Hon. the Speaker and Members of the House of Representatives:

Gentlemen: I have the honor to transmit to you a remonstrance to the States in favor of the Tariff, adopted by the Legislature of the State of Georgia, which I have this moment received. I take this occasion also, to transmit the resignation of the Hon. Nicholas Davis and Jack Shackleford, Esqr. members of the board of Trustees of the University of Alabama, in the 5th and 3d judicial circuits. I have the honor to be, most respectfully, your obedient servant. [Signed] JOHN MURPHY.

*Ordered,* That said message lie upon the table.

Mr Mardis, from the judiciary committee to which was referred the petition of James Innerarity, and others, praying the passage of a law, vesting said Innerarity a legal instead of an equitable title in certain real estate therein named, reported that in the opinion of your committee the legislature have not the constitutional right to pass the law prayed for in said petition; and that to pass such a law would be an act of special and retrospective legislation; and therefore ask to be discharged from the further consideration thereof; which was granted.

*Ordered,* That Mr Robinson have leave of absence the balance of the session.

Mr Perkins, from the committee on county boundaries to which was referred a resolution instructing them to report a bill having for its object the procurement of a suitable number of correct maps of this state for the use of the same, reported a bill to be entitled an act to authorize the Governor to procure copies of the state map; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Hill then moved that the further consideration of the bill be postponed to the first day of the next General Assembly; which was lost. Mr Walker of D. moved to amend the

bill by striking out *seventy-five*, with a view of inserting *one hundred and fifty*; which was carried. Yeas 36—Nays 22.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Barker, Barton, Belker, Bibb of L. Bibb of m. Braxden, Bridges, Brown, Cole, Colgin, Coopwood, Durrett, Fearn, Flournoy, Foster, George, Harris, Hudson, Lane, Lewis of F. Mardis, Mims, Mobley, Parsons, Penn Perkins, Pickens, Richardson, Robison, Russell, Sanders, Walker of D. and Whitefield.*

*Those who voted in the negative are, messrs Ambrister, Clark, Clough, Duke, Dupuy, Edmondson, Hill, Hodges, Lawler, Lea, Massey, Metcalfe, McEllenry, Parker, Rogers, Salter, Smith of J. Smith of L. Sykes, Walker of m. Weissinger and Welbourne.*

And the rule requiring bills to be read on three several days being dispensed with, the bill was then read a third time and considered engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr McEllerry, from the committee on accounts, to which was referred a bill making appropriations for certain claims against the state, reported the same with the following amendments: by adding thereto sections 8, 9, 10, 11, 12 and 13; which was concurred in and adopted by the House. Mr Flournoy moved to amend the bill by adding thereto section No 14. Mr Barton moved that the bill lie on the table for one hour; which was carried.

Mr Coopwood accepted of Mr Barton's modification to the resolution introduced on yesterday in relation to the introduction of new business. The amendment is as follows: *So far as regards reports from committees.* The resolution was then adopted.

The house then adjourned until this evening, 3 o'clock.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

On motion of Mr Parsons, *Resolved*, That the clerk of the house of representatives be instructed to employ an additional clerk for the remainder of the session, and that he be authorized to receive the same compensation that is allowed to the assistant clerk.

The bill entitled an act making appropriations for certain claims against the state being under consideration, the question was on the adoption of Mr Flournoy's amendment and carried. Mr Cook moved to amend the bill by adding thereto an additional section. Mr Mobley moved to recommit the bill; which was lost. Mr Brown moved to lay Mr Cook's amendment on the table till the first day of the meeting of the next general assembly; which was lost. The question was then on the adoption of Mr Cook's amendment; which was carried. The bill was then laid on the table till tomorrow.

Mr Colgin made the following report: The committee on agriculture and manufactures, to whom was referred the communication of Mr Cornille Roudet, on the subject of raising silk and the culture of the pine, almond, fig, &c. have according to order had the same under consideration and have instructed me to report, that in the opinion of your committee the subject matter contained in said communication is entitled to the due consideration of the legislature of this state. Your committee, feeling as they do in common with their fellow citizens the embarrassed situation of our state, growing partly out of the depressed price of our staple commodity, deem it important that some portion of the labour should be directed to raising other articles of export, by which new sources of enterprise and profit may be opened to our fellow citizens. Your committee are aware of the difficulty of changing the pursuits and habits of a

people, and to direct their attention from those occupations to which they have been long familiarized to other pursuits, to them new and untried; and your committee believe that such changes are generally to be produced by the steady perseverance of public spirited individuals, or associations of such in societies formed for that purpose. Agricultural societies supported by legislative encouragement have had a happy influence on the agricultural prosperity of other states of the union; and your committee are of opinion that the establishment of a state society, with branches in each county, who by practical experiments would not only show the ability of other pursuits, but would also acquire the necessary information for the successful production of the same. Your committee beg leave to adopt said communication as part of the report. All of which are respectfully submitted. Your committee further recommend the adoption of the following resolutions: *Resolved*, that the division of a part of the labor of the farming interest be withdrawn from the culture of cotton to the cultivation of sugar cane, the grape vine, the French mulberry and the raising of the silkworm, where the climate and soil may prove favorable; and, *Resolved*, that the citizens of the state generally, and the members of the next legislature, and all public officers, are requested to wear domestic cloth, the industry of their own country. *Ordered*, that the report lie on the table till tomorrow.

On motion of Mr Ambrister, *Resolved*, that the Senate be now invited to assemble in the representative hall, for the purpose of going into the several elections contemplated by a previous resolution of the two houses.

The Senate having repaired to the hall of the House of Representatives, the two houses then proceeded to the election of the four commissioners from the counties bordering on the Tennessee river, agreeably to an act entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named. *William Barclay, James Brown, John D. Carroll, John Chisholm, Thomas Cunningham, William B. Cox, John Glass, Thomas Gibson, Green K Hubbard, Albinus Hendrick, Henry King, Bernard McKinnan, Quin Morton, John T. Rather, and Temple Sargent*, being in nomination.

For Mr Barclay 22 votes—Brown 16—Carroll 52—Chisholm 17—Cox 5—Cunningham 5—Gibson 28—Glass 5—Hubbard 31—Hendrick 7—King 57—McKinnan 8—Morton 36—Rather 31—Sargent 21. Whereupon messrs Henry King, John D. Carroll, Green K Hubbard and Quin Morton, were duly and constitutionally elected said commissioners.

And then the House adjourned till tomorrow morning  $\frac{1}{2}$  past 9 o'clock.  
Friday, January 23, 1829.

The House met pursuant to a adjournment.

A message from the Senate, by Mr Lyon: Mr Speaker, the Senate concur in the amendment made by the House of Representatives to the bill entitled an act to alter and change a certain part of the road leading from Florence in Lauderdale county to Athens in Limestone county. They also concur in the several amendments made by the House to the bill entitled an act to extend the limits of Clarke county. They have passed bills which originated in the House of Representatives entitled an act for the relief of Wm. May and James Reynolds; an act for the relief of Stith Evans of the county of Greene; an act for the payment of Martin Wells—and have amended the same by the addition of section No 3; and an act to incorporate the Mobile marine railway and insurance company—and have amended the the latter bill as herewith shown: in which they desire the concurrence of the House.

*Ordered*, That the House concur in the amendments made by the Senate to the bill to be entitled an act to incorporate the Mobile marine railway and insurance company, by striking out the proviso to the 16th section; also by striking out the 17th section entire.

*Ordered*, That the House concur in the amendments to the bill entitled an act for the payment of Martin Wells, by adding thereto section No 2.

*Mr* Bridges moved to dispense with the journalizing elections, except so far as the journal shall show the result.

*Mr* Lane, from the select committee to which was referred the petition of Silivant Beaudreaux, a free man of color, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith; and the rule being further dispensed with, the bill was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

*Mr* Massey, from the select committee to which was referred the petition of the citizens of St Clair county, praying the formation of a new county therein named, reported that there is a bill in progress before the house to that effect, and ask leave to be discharged from the further consideration thereof; which was granted.

*Mr* Bridges, from the select committee to which was referred the petition of Sterling H. Gee, asking permission to bring into this state the slaves of his wards, reported that the relief prayed for in the petition, has been granted by an act of the general assembly repealing the prohibitory law on the subject, and ask leave to be discharged from the further consideration thereof; which was granted.

*Mr* Flournoy, from the select committee to which was referred the communication from the Governor of Alabama, transmitting the letter from William B. Giles, the Governor of Virginia, accompanying a map of Virginia, presented by that commonwealth to the state of Alabama, reported the following resolutions: *Resolved*, That this General Assembly highly appreciate the excellent and interesting map of Virginia, presented by that commonwealth to the state of Alabama; that the exemplary taste which is exhibited in the execution of the plan so creditable to the public spirit and intelligence of the citizens of Virginia, in addition to the general utility of the work, renders it a model worthy of imitation, and makes the present a valuable acquisition to the state of Alabama. *Resolved*, That the concurrence of the Senate be requested to the foregoing resolution; and on such concurrence, that the Governor of Alabama be requested to communicate to the Governor of Virginia, and through him to the legislature of that commonwealth, the sentiment with which the new map of Virginia has been received by the General Assembly.

GEORGE H. FLOURNOY, Chairman.

Which was concurred in by the House. *Ordered*, That the same be sent to the Senate for their concurrence.

*Mr* Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled a joint memorial to the congress of the United States in favor of Col David White, and a joint memorial to the congress of the United States in behalf of Sally Haltom and William Merrell.

*Mr* Sykes made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, which originated in the House, of the following titles, to wit: An act for the relief of Jeremiah

W. Thomas, taxcollector of Lawrence county; an act for the relief of Benjamin S. Brumley; also, bills, which originated in the Senate, of the following titles, to wit: An act to amend the act incorporating the town of Florence; an act for the relief of sheriffs and other officers; an act to change the time of holding the county courts of Franklin county.

On motion of Mr Fearn, *Resolved*, with the concurrence of the Senate, that the two houses will convene this evening at 2 o'clock, for the purpose of completing the elections commenced on yesterday under a former resolution of the two Houses.

Mr Sanders made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills, originating in the Senate, of the following titles, to wit: An act to divorce Ambrose Sanders from his wife Elizabeth Sanders; an act to alter and amend an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone; an act to amend in part the 4th section of an act, passed at the last session of the General Assembly, appointing commissioners for the county of Dale, and for other purposes.

Mr Cook offered the following resolution: *Resolved*, That, with the concurrence of the Senate, the general assembly will adjourn *sine die* on Tuesday next. Mr Parsons moved to amend the resolution by striking out the word *Tuesday*; which was carried. Yeas 33—Nays 26.

*The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Ambrister, Anderson, Banks, Barton, Brandon, Brown, Coopwood, Dale, Dupuy, Durrett, Edmondson, Fearn, Foster, George Hill, Lane, Lawler, Massey, McElderry, Parker, Parsons, Penn, Perkins, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Townsend of m. Walker of m. and Whitfield.*

*Those who voted in the negative are, messrs Barker, Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Duke, Flournoy, Gage, Hodges, Hudson, Lea, Lewis of F. Murdis, Metcalfe, Mims, Mobley, Pickens, Sykes, Walker of D. and Weissinger.*

Mr Pickens moved to amend the resolution by adding the following words, to wit: *And that a select committee be appointed to report to this House the portion of unfinished business which should be taken up and disposed of, and report on tomorrow*; which was carried. Mr Walker of m. then moved that the resolution lie on the table until Tuesday next; which was carried. Yeas 35—Nays 24.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Barton, Brandon, Brown, Dale, Durrett, Edmondson, Fearn, George, Hill, Lane, Lawler, Murdis, Massey, Mobley, McElderry, Parker, Parsons, Penn, Perkins, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Townsend of m. Walker of D. Walker of m. Weissinger and Whitfield.*

*Those who voted in the negative are, messrs Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Coopwood, Duke, Dupuy, Flournoy, Foster, George, Hodges, Lea, Lewis of F. Metcalfe, Mims, Pickens and Sykes.*

*Ordered*, That Mr Belser have leave of absence for the remainder of the session.

A bill to be entitled an act to appoint commissioners for the improvement of the navigation of the Tennessee river, and for other purposes. Mr Cook moved that the bill lie on the table until the first day of March next; which was lost. Mr Bridges moved to amend the 7th section by adding a proviso; which was carried. Mr Smith of L. moved to amend the bill by adding thereto an additional section; which was carried. The amendments were then concurred in by the house; and the rule requiring bills to be read on three several days being dispensed with, it was then ordered to be engrossed forthwith and read a third time today.

Joint resolutions, from the Senate, proposing amendments to the constitution of this state, being under consideration, Mr Clark moved that the resolutions, together with the amendments proposed by Mr Terry, be laid on the table until the first day of March next; which was lost. Yeas 11—Nays 51.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Banks, Barton, Bonnell, Clark, Cook, Dale, Gage, Lane, Mobley, Perkins, Townsend of m. Whitfield — Those who voted in the negative are, messrs Speaker Ambrister, Anderson, Barker, Belser, Bibb of L. Bibb of m. Brandon, Bridges, Brown, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Harris, Hill, Hodges, Hudson, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, McElderry, Parker, Parsons, Penn, Pickens, Richardson, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Walker of D. Walker of m. Weissinger, and Wellborne.*

Mr Penn in the chair. Mr Clay offered the following: with instructions to strike out all such parts of the proposed amendments to the constitution as go to change the principle of Representation now established; and also to strike out four and insert two years for the senatorial time. A division of the question being called for, the vote was first taken on the first member of Mr Clay's resolution. Yeas 35—Nays 25.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Barker, Barton, Bibb of L. Bibb of M. Brandon, Clark, Colgin, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Hill, Hodges, Hudson, Lewis of F. McElderry, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Sanders, Smith of J. Smith of L. Sykes, Walker of m. Whitfield — Those who voted in the negative are, messrs Anderson, Belser, Bonnell, Bridges, Brown, Clough, Cole, Cook, Dale, Duke, Dupuy, Harris, Lane, Lawler, Lea, Lewis of m. Mardis, Metcalfe, Mims, Mobley, Parker, Salter, Terry, Townsend of m. and Weissinger.*

The vote was then taken on the second member of the resolution and carried. The resolution was then referred to messrs Parsons, Penn and Pickens, to consider and report thereon.

Mr Barton, from the select committee to which was referred the bill from the Senate entitled an act to change the times of holding the county court of Tuscaloosa county, reported the same with the following amendment: by striking out all after the enacting clause of the second section, and by substituting several other sections in lieu thereof; in which report the house concurred. The bill was then read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time. Mr Barton then moved to amend the title of the bill with the following: a bill to be entitled an act to provide for taking the sense of the county of Tuscaloosa upon the subject of removing the site of their courthouse and for other purposes: which was carried. And the bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed a bill which originated in their house entitled an act respecting bail in penal cases: in which they desire the concurrence of the house. They have adopted the following resolution *Resolved*, that, with the concurrence of the House of Representatives, the two houses will adjourn on to morrow at the hour of 6 o'clock, p. m. *sine die*: in which they also ask the concurrence of the house. They concur in the resolution inviting them to assemble in the hall of the House of Representatives this evening at two o'clock, for the purpose of completing the elections commenced on yesterday, under a former resolution of the two houses.

Mr Smith of L. moved that the resolution from the Senate, proposing

to adjourn on tomorrow evening at 6 o'clock, p. m. be laid on the table till Thursday next; which was carried. Yeas 34—Nays 32.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Barton, Brandon, Brown, Dale, Dupuy, Durritt, Fearn, Foster, George, Hill, Lane, Lewis of m. Marais, Massey, McElderry, Parker, Parsons, Penn, Perkins, Rogers, Russell, Salter, Smith of J. Smith of L. Terry, Townsend of m. Welborne and Whitfield — Those who voted in the negative are, messrs Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Coopwood, Duke, Edmundson, Flournoy, Gage, Harris, Hodges, Hudson, Lawler, Lea, Lewis of F. Metcalfe, Mims, Mobley, Pickens, Richardson, Sanders, Sykes, Terry, Walker of D. Walker of m. and Weissinger.*

Mr Lewis of m. from the committee on the state of the republic to which was referred a joint memorial to Congress of selling or granting to the state of Alabama the relinquished lands in said state, for the purpose of internal improvement, reported a substitute in lieu thereof which was concurred in and adopted by the house; and the rule requiring bills and joint resolutions to be read on three several days being dispensed with it was read a second time forthwith: and the rule being further dispensed with, it was considered as engrossed and read a third time forthwith and passed.

Mr Barton who voted in the majority in the passage of a bill the Senate entitled an act to change the times of holding the county court for Tuscaloosa county, moved to reconsider the vote; which was carried. Mr Barton then moved to fill the blank with the words *first Monday of March next*, which was carried. The bill was then passed.

The bill from the Senate entitled an act respecting bail in penal cases, was read, and the question being put, *Shall this bill be read a second time on tomorrow?* it was determined in the negative.

*Ordered*, That Mr Harris have leave of absence after Monday next for the remainder of the session.

The House then proceeded to the orders of the day.

The bill to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama at —, in the Tennessee valley, being under consideration: Mr Flournoy moved that the bill lie on the table till the first day of the next session of the General Assembly; which was lost. Yeas 26—Nays 35.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Barton, Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Duke, Dupuy, Flournoy, Foster, Gage, Harris, Hill, Lowler, Lea, Massey, Metcalfe, Mims, Mobley, Parker, Richardson, Salter, Weissinger — Those who voted in the negative are, messrs Speaker, Ambrister, Banks, Barker, Bibb of M. Bibb of L. Brandon, Brown, Coopwood, Dale, Durritt, Edmundson, Fearn, George, Hodges, Hudson, Lane, Lewis of F. McElderry, Parsons, Penn, Perkins, Pickens, Rogers, Russell, Sanders, Smith of J. Smith of L. Terry, Walker of D. Walker of m. and Whitfield.*

Mr Smith of L. moved that the bill be referred to a select committee, with the following instructions: that the committee inquire whether four agencies, to wit, two in north Alabama and two in south Alabama can be created with safety to the bank and convenience to the people. Whereupon Mr Smith of L. Parsons, Fearn, Terry and Lewis of m. were appointed said committee.

And then the House adjourned until 2 o'clock this evening.

*Evening Session, 2 o'clock.*—The House met pursuant to adjournment.

*Ordered*, That Mr Lewis of F. have leave of absence after tomorrow the balance of the session.

Mr Lea offered the following resolution: *Resolved*, that the Senate be



forthwith invited to assemble in the east end of the representative hall, for the purpose of going into the election of eight commissioners agreeably to an act entitled to enable the state of Alabama to sell and dispose of certain lands therein named, south of the counties bordering on the Tennessee river, and a medical board for Tuscaloosa.

Whereupon messrs *Wm. Metcalfe, Wm. Terrill, John H. Elmore, George C. King, James Woodruff, Micajah C. Williamson, James Hill and Washington Allen*, were duly and constitutionally elected said commissioners.

The two houses then proceeded to the election of a medical board for the town of Tuscaloosa: Whereupon messrs *James M. Davenport, James Gault, and Samuel Meek*, were duly and constitutionally elected said medical board.

And then the House adjourned until tomorrow morning  $\frac{1}{2}$  past 9 o'clock.

*Saturday, January 24, 1829.*

The House met pursuant to adjournment.

Mr Fearn from the select committee to which was referred the bill to be entitled an act to establish an office of discount and deposite of the bank of the state of Alabama at —, in the Tennessee valley, reported a substitute in lieu thereof. Mr Coopwood moved to lay the report on the table till the first day of the next general assembly. Mr Mobley moved to lay the bill also. A division of the question being called for, a vote was taken to lay the report on the table and carried. Yeas 43—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Bridges, Brown, Clark, Clough, Cole, Colgin, Cook, Coopwood, Dale, Dupuy, Edmondson, Flournoy, Foster, Gage, George, Harris, Hill, Hedges, Hudson, Lea, Lewis of F. Massey, Metcalfe, Mims, Mobley, Parker, Perkins, Richardson, Salter, Sanders, Sykes, Tarver, Townsend of m. Walker of D. Weissinger Whitfield. — Those who voted in the negative are, messrs Speaker, Ambriester, Brandon, Dale, Darrett, Feara Lane, Lawler, Mardis, McElderry, Parsons, Penn, Rogers, Russell, Smith of J. Smith of L. Terry, Walker of m. and Wellbourne.

The question was then on Mr Mobley's motion and carried. Yeas 39—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Banks, Barker, Barton, Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Coopwood, Duke, Dupuy, Flournoy, Foster, Gage, Harris, Hill, Hedges, Hudson, Lane, Lawler, Lea, Lewis of F. Mardis, Massey, Metcalfe, Mims, Mobley, Parker, Parsons, Perkins, Richardson, Salter, Tarver, Townsend of m. Walker of D. Weissinger. — Those who voted in the negative are, messrs Speaker, Ambriester, Bibb of L. Bibb of m. Brandon, Brown, Dale, Darrett, Edmondson, Feara George, McElderry, Penn, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes Terry, Walker of m. Wellbourne and Whitfield.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate concur in the amendment made by the House of Representatives to the joint memorial to the congress of the United States, asking an extension of the circuit court system of the federal judiciary to the western and southwestern states of the Union. They have passed bills, which originated in the House of Representatives, entitled an act for the relief of Elisha Davall, sheriff of Walker county; an act to arrange, designate and establish the boundaries between the counties of Butler, Pike and Covington, and for other purposes; an act to alter the boundary line between the counties of Mobile and Washington; an act to exempt certain persons from military duty in this State therein named; an act to authorize the Governor to procure copies of the state map, and have amended the same by striking out *one hundred and fifty* and inserting *seventy five dollars*, as the sum to be appropriated for that purpose; an act to amend an act

entitled an act to establish and improve a certain road therein mentioned, approved January 13, 1826, and for other purposes. and have amended the same by striking out the 6th section and substituting another in lieu thereof; and an act investing the mayor and aldermen of the town of Tuscaloosa with the power of opening roads within the corporate limits of said town, and have amended the same by striking out all after the enacting clause and substituting another bill in lieu thereof; in which several amendments they desire the concurrence of the house.

*Ordered*, That the house concur in the amendments made by the Senate to the bill entitled an act to amend an act to establish and improve a certain road therein mentioned, approved Jan. 13, 1826, and for other purposes.

*Ordered*, That the house concur in the amendments made by the Senate to the bill entitled an act to authorize the Governor to procure copies of the state map.

A message was received from the Governor by James I. Thornton:

*January 24, 1829.*—Mr Speaker, I am instructed by the Governor to inform your honorable body that he did, on the 22d inst. approve and sign the following bills: An act to refund to the county treasury of Wilcox county a sum of money therein mentioned; an act to prolong the regular terms of the circuit court of the county of Mobile, and for other purposes; an act to provide for the support of paupers in the county of Jefferson; an act for the relief of Elijah Smith tax collector of Franklin county; an act to emancipate a certain slave therein named; an act to repeal in part and to amend an act entitled an act to authorize John Smith, of Jefferson county, to emancipate a certain slave therein named; an act for the relief of George A. Campbell, assessor and tax collector of Autauga county; an act to discontinue and establish certain election precincts therein specified; an act to authorize the judges of the county courts and commissioners of roads and revenue of the counties of St Clair and Shelby to levy a special county tax for certain purposes therein named; an act to authorize Simon Bowden to emancipate a certain slave named Peter; an act to authorize guardians to bring the slaves of their wards into this state without restriction; an act to authorize the draining of certain ponds in the county of Madison; and an act for the relief of Henry Linton; an act to repeal a certain act therein named; all of which originated in the H. of R.

The engrossed bill entitled an act investing the mayor and aldermen of the town of Tuscaloosa with the power of opening roads within the corporate limits of said town, was laid on the table until Monday next.

Mr Barton, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of regulating, by law, the mode of instituting impeachments and other prosecutions against judicial officers, reported that it is inexpedient to legislate on that subject at this time. Mr Mobley moved that the report lie on the table until Monday next; which was carried.

Mr Parsons made the following report: The committee on the state of the republic, to which was referred so much of his excellency's message, and the resolutions of the legislature of the state of Georgia, as relates to proposed amendments to the constitution of the United States, so as to prevent the election of president of the United States by the house of representatives of the congress of the United States, have had the same under consideration, and respectfully report, that the matter was before the legislature of this state at the last session, and it is inexpedient at this time to legislate on the subject. In which report the House concurred.

On motion of Mr Clark, *Resolved*, That, with the concurrence of the Senate, the two houses will proceed, on this evening, at the hour of seven o'clock, to the election of two trustees for the university of Alabama, to fill the vacancy occasioned in the board of trustees by the resignation of Hon Nicholas Davis, a trustee within the fourth judicial circuit, and Col Jack Shackelford, within the third judicial circuit.

Mr Clark offered the following resolution: *Resolved*, That the comptroller of public accounts communicate, without delay, to this house whether the current expenses of the government for the present year has or will exceed the receipts into the treasury, and the probable amount of that excess; and what increase on the objects of taxation (if there be an excess) is or will be necessary to meet the deficit. Mr Weissinger moved that the resolution lie on the table until the first day of the next session of the general assembly: which was carried. Yeas 50—Nays 10.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barton, Bibb of L. Bibb of m. Bonnel, Brandon, Bridges, Brown, Clough, Colgin, Cook, Dale, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Harris, Hudson, Lane, Lawler, Lea, Lewis of m. Mardis, Massey, Mims, Mobley, McElderry, Parker, Parsons, Penn, Pickens, Richardson, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Weissinger, Welbourne and Whitfield.*

*Those who voted in the negative are, messrs Belser, Clark, Cole, Coopwood, Duke, Gage, Hill, Hodges, Lewis of F. and Metcalfe.*

The House then proceeded to the orders of the day.

The engrossed bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was read a third time; and Mr Barton moved to amend the bill by way of engrossed rider, by adding thereto section No 9; which was carried. And the question being put, *Shall this bill pass?* it was determined in the affirmative. Yeas 48—Nays 11.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Coopwood, Dale, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of m. Massey, Metcalfe, Mobley, McElderry, Parker, Parsons, Penn, Perkins, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Wicker of m. Welbourne, and Whitfield.*

*Those who voted in the negative are, messrs Belser, Bridges, Clark, Clough, Cole, Colvin, Gage, Pickens, Richardson, and Weissinger.*

*Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act making appropriations for certain claims against the state, was read a third time. Mr Lewis of M. moved to amend the bill by way of engrossed rider, by adding thereto an additional section; which was carried. Mr Harris moved further to amend the bill by way of engrossed rider, by adding thereto an additional section. Mr Coopwood moved to amend Mr Harris' amendment by striking out the words *the sum of fifty dollars*; which was carried. The amendment as amended was then adopted. Mr Mobley moved to amend the tenth section by adding at the end thereof the words *and the session of 1826*; which was carried. Mr Perkins moved to amend the bill by adding thereto an additional section by way of engrossed rider; which was carried. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr Lea called up the bill entitled an act supplementary to the act en-

titled an act concerning executions and sales by sheriffs, and for other purposes.

The engrossed bill entitled an act to authorize the judges of the county courts and commissioners of roads and revenue of the respective counties in this state to emancipate slaves under certain restrictions, was read a third time. Mr Cook moved to amend the bill by way of engrossed rider, by adding thereto an additional section No 5; which was carried. And the question being put, *Shall this bill pass?* it was determined in the negative. Yeas 22—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Bennell, Bridges, Clark, Cole, Colgin, Dorrett, Gage, George, Hill, Lane, Lawler, Mardis, Massey, McElderry, Parker, Parsons, Penn, Richardson, Rogers, Salter, Terry and Weissinger.

Those who voted in the negative are, messrs Speaker, Ambrister, Anderson, Barker, Barton, Belser, Cobb of L. Bibb of m. Brandon, Brown, Clough, Cook, Coopwood, Dale, Dupuy, Edmondson, Flournoy, Foster, Harris, Hodges, Hudson, Lee, Lewis of m. Mobley, Pickens, Perkins, Russell, Sanders, Smith of J. Smith of L. Sykes, Tarver, Townsend of m. Walker of m. and Whisfield.

A message from the Senate by Mr Crabb: Mr Speaker, The Senate concur in the resolution of your honorable body, proposing to proceed on this evening at the hour of 7 o'clock to the election of two Trustees for the University of Alabama, to fill the vacancies occasioned in the Board by the resignation of the Hon. Nicholas Davis, in the 4th judicial circuit, and of Jack Shackleford, within the 3d judicial circuit; and have amended the same by striking out '7 o'clock,' and inserting 'half past five o'clock this evening;' in which they desire the concurrence of the house. The Senate have read three several times and passed bills which originated with themselves, to be entitled an act to authorize the employment of an additional clerk for the bank of the state of Alabama; an act to explain and amend an act entitled an act to regulate the licensing of physicians to practice and for other purposes: in both of which they desire the concurrence of the house.

In which amendments the house concurred.

The engrossed bill from the Senate entitled an act to explain and amend an act entitled an act regulating the licensing of physicians to practise and for other purposes, was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Fearn moved to amend the 4th section of the bill by adding after the word *of* and before the word *board* the word *the*; which was carried. Mr Terry moved to amend the bill by adding thereto an additional section. Mr Coopwood offered the following amendment: *And be it further enacted*, that all practising physicians at the time of the passage of the act establishing the medical board of this state shall be authorized to practise as they were authorized to do under the provisions of said act, any law to the contrary notwithstanding; which was lost. The rule being further dispensed with, the bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to authorize the employment of an additional clerk of the bank of the state of Alabama, was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Mobley moved that the bill now in progress before this house, which originated in this house, entitled an act requiring additional duties of the president of the state bank, be laid on the table. *Ordered*, that said bills be referred to a select committee, consisting of messrs Parsons, Clark and Perkins, to consider and report thereon.

A message was received from the Governor, by J. I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT. TUSCALOOSA, January 24, 1829.

*The Hon the Speaker and Members of the House of Representatives*

Gentlemen—I have the honor herewith to transmit to you a communication from the Harbormaster of the port of Mobile, giving information under the instruction of the board that *Joseph W. More*, Esq. has declined to serve in the board of portwardens, in addition to *Philip McLoskey*, Esq. whose resignation has been heretofore received and announced to you. I have the honor to be, most respectfully, your obedient servant.

(Signed)

JOHN MURPHY.

*Ordered*, That said message lie on the table.

The bill entitled an act to establish the county of —, was read a second time. *Mr* Walker of D. moved that the farther consideration of the bill be postponed till the first day of the meeting of the next general assembly; which was carried. Yeas 39—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barton, Brandon, Bridges, Brown, Clark Clough, Colgin, Coopwood, Dale, Duke, Dupuy, Edmondson, Foster, Gage, Harris Hill, Hodges, Hudson, Lane, Lawler, Lewis of F. Mardis, Metcalfe, Mims, McElderry, Pickens, Richardson, Salter, Smith of J. Tarver, Terry, Townsend of m. Walker of D. Walker of m. Whitfield.—Those who voted in the negative are, messrs Belser, Bibb of L. Bibb of m. Bonnell, Cole, Fearn, Flournoy, George, Lea Lewis of m. Massey, Parker, Parsons, Penn, Perkins, Smith of L. and Weissinger.

And then the house adjourned till this evening 3 o'clock.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

The engrossed bill entitled an act to reduce into one the several acts concerning bridges, roads and highways, passed Jan. 12, 1827, was read a 3d time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial jurors. *Mr* Lea moved to lay the bill on the table till the first day of August next; which was lost. Yeas 17—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Brandon, Clough, Cook, Coopwood, Dale, Flournoy, Foster, Harris, Lawler, Lea, Lewis of m. Mardis, Smith of J. Townsend of m.

Those who voted in the negative are, messrs Banks, Belser, Bibb of L. Bibb of m. Bonnell, Bridges, Clark, Cole, Duke, Dupuy, Durrett, Edmondson, Fearn, Gage Hodges, Hudson, Lane, Lewis of F. Massey, Metcalfe, Mims, Mobley, McElderry Parker, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Salter, Sanders Smith of L. Sykes, Terry, Walker of D. Walker of m. Weissinger, Welborne and Whitfield.

*Mr* Terry moved to amend the bill by way of the following engrossed rider: *Provided*, that this act shall not preclude the right of preemptory challenges now allowed; which was carried. *Mr* Parsons moved to amend the bill by way of proviso; which was lost. The bill was then put on its passage, and the question being put, *Shall this bill pass?* it was determined in the negative. Yeas 29—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Belser, Bibb of m. Bonnell, Bridges, Brandon, Brown, Clark, Cole, Duke, Gage Hodges, Lewis of F. Metcalfe, Mims, McElderry, Parker, Pickens, Richardson Rogers, Salter, Smith of J. Sykes, Tarver, Walker of D. Weissinger, Welborne and Whitfield.—Those who voted in the negative are, messrs Speaker, Ambrister, Anderson, Banks, Barton, Bibb of L. Clough, Colgin, Cook, Coopwood, Dale, Durrett, Edmondson, Fearn, Flournoy, Foster, George, Harris, Hudson, Lane, Lawler, Lea, Lewis of m. Mardis, Mobley, Parsons, Perkins, Sanders, Smith of L. Townsend of m. and Walker of m.

*Mr Bonnell* moved to spread on the journals of this house the bill to be entitled an act to establish the county of —; which was carried.

A bill to be entitled an act to establish the county of —. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all that territory bounded by a line beginning at the southwest corner of township 12 and range 12, and pursuing said range line to the Alabama river; from thence up the same to the mouth of Pithlala creek; from thence up said creek to the dividing line between ranges 16 and 17; from thence by a line to the southern boundary of Montgomery county, designated in such manner as hereafter directed; and from thence west to the point of beginning; the above lines be and the same is hereby established and constituted as the county of —.

Sec. 2 And be it further enacted, That John Ragely, William Harrelson, James Vickers, George Thompson and Daniel Mosely, or a majority of them, be and the same are hereby appointed commissioners, whose duty it shall be, on or before the first day of October next, to designate a line, beginning at that point on Pithlala creek which is intersected by the range line between 16 and 17, and running the same to the southern boundary of Montgomery county, in such manner as will leave to the county of Montgomery and the county of —, as heretofore defined, respectively their constitutional limits; and will also best subserve the convenience of the people of the several neighborhoods through which said line shall pass.

Sec. 3 And be it further enacted, That the aforesaid commissioners shall, by a communication in writing, report to the next General Assembly the line which they may designate; and unless said line is altered by the legislature, it shall be and continue the boundary line of — county.

Sec. 4. And be it further enacted, That before the aforesaid commissioners shall enter upon their respective duties, they shall swear to and subscribe an affidavit before the judge of the county court of Montgomery county or the clerk of the same, that they will faithfully discharge their several duties as commissioners aforesaid, according to the directions of this act; which affidavit shall be filed by the clerk in his office.

Sec. 5. And be it further enacted, That said commissioners, while in the discharge of their duties as aforesaid, be severally entitled to three dollars per day, and that the same be and is hereby declared a charge against the county of —.

*Mr Walker* of D. moved to reconsider the vote taken on the question to read a second time the bill from the Senate entitled an act respecting bail in penal cases, which was lost.

A message from the Senate by *Mr Crabb*: *Mr Speaker*, I am instructed to inform the House of Representatives that the Senate have adopted the following resolution, in which they desire the concurrence of the house, to wit: *Resolved*, That, with the concurrence of the House of Representatives, the two houses will, this day, at the same hour appointed for the election of two trustees of the university, proceed also to the election of a port warden for the port and harbor of Mobile, to fill the vacancy occasioned by the refusal of Joseph W. Moore, Esq. to serve as such.

In which amendments the house concurred.

The engrossed bill from the Senate entitled an act to extend the laws of Alabama over the territory acquired by the treaty of the Indian springs, being under consideration, *Mr Lewis* of m. moved to strike out the preamble to said bill; which was carried. *Mr Lewis* of m. moved to amend the bill by striking out all after the first section, with a view of inserting several sections in lieu thereof; which was carried. *Mr Lewis* of m. moved further to amend the title of the bill in these words: *A bill to be entitled an act to extend the jurisdiction of the State of Alabama over the Creek Nation*; which was carried. The bill was then ordered to be read a third time on Monday next.

The bill from the Senate entitled an act the better to secure impartial trials by jury in certain cases, was read a third time and referred to a se-

lect committee, consisting of messrs Lewis of m. Terry and Mardis to consider and report thereon.

The bill to be entitled an act to amend the law now in force in relation to the change of venue in civil cases and for other purposes, was read a second time. Mr Hudson moved that the bill lie on the table till the 1st Monday in August next; which was lost. Yeas 29—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Ambrister, Anderson, Brandon, Bridges, Clark, Clough, Cole, Coopwood, Duke, Dupuy, Edmondson, Flournoy, Gage, Hill, Hodges, Hudson, Lawler, Lewis of F. Mardis, Massey, Metcalfe, Parker, Pickens, Richardson, Rogers, Salter, Sanders, Walker of D. Weissinger. — Those who voted in the negative are, messrs Barks Barton, Bibb of L. Bibb of m. Bonnell, Colgin, Dale, Durrett, Fearn, Foster, Harris, Lane, Lea, Lewis of m. Mobley, McElderry, Parsons, Penn, Perkins, Sykes, Townsend of m. Walker of m. and Whitfield.

On motion of *Mr Penn, Resolved*. That the Senate be invited to assemble in the representative hall, for the purpose of going into the several elections contemplated by a previous resolution.

The Senate having repaired to the hall of the House of Representatives—

Both houses then proceeded to the election of a Trustee of the University for the third judicial circuit; *Mr Samuel W. Mardis* being in nomination.

Those who voted for *Mr Mardis* are, *Mr President*, Abercrombie, Conner, Crawford, Garth Hubbard, *Mr Vay*, Merriwether, Moore of J. Moore of m. Perry, Pickett, Powell, Ross, Walthall, Watkins and Wood of the senate; *Mr Speaker*, Ambrister, Anderson, Barks Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Clark, Clough, Cole, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of m. Massey, Metcalfe, Mims, Mobley, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Rogers, Salter, Smith of J. Smith of L. Sykes, Townsend of m. Walker of D. Walker of m. Weissinger, Willborne and Whitfield. — *Mr Mardis* having received a majority of the whole number of votes given, was declared duly and constitutionally elected Trustee of the University of the state of Alabama, for the third judicial circuit.

Both houses then proceeded to the election of a Trustee for the fourth judicial circuit. *Mr Daniel Coleman* being in nomination.

Those who vote for *Mr Coleman* are, *Mr President*, Abercrombie, Conner, Crawford Evans, Garth, Hubbard, *Mr Vay*, Merriwether, Moore of J. Moore of m. Perry, Pickett, Powell, Ross, Walthall, Watkins, of the senate; *Mr Speaker*, Ambrister, Anderson, Barks Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Clark, Clough, Cole, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lea, Lewis of F. Lewis of m. Mardis, Massey, Metcalfe, Mims, McElderry, Parker, Parsons, Penn, Perkins, Richardson, Sanders, Smith of L. Smith of J. Sykes, Townsend of m. Walker, of D. Weissinger, Willborne and Whitfield. — *Mr Coleman* having received a majority of the whole number of votes given, was declared duly and constitutionally elected Trustee of the University of the state of Alabama for the fourth judicial circuit.

The two houses then proceeded to the election of a Portwarden for the port and harbor of Mobile. *Mr Hiram Cheesbrough* being in nomination.

Those who voted for *Mr Cheesbrough* are, *Mr President*, Abercrombie, Conner, Crawford, Evans, Garth, Hubbard, *Mr Vay*, Merriwether, Moore of J. Moore of m. Perry, Pickett, Ross, Walthall and Watkins of the senate; *Mr Speaker*, Ambrister, Anderson, Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Clark, Clough, Cole, Colgin, Coopwood, Dale, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Harris, Hill, Hodges, Hudson, Lane, Lawler, Lewis of m. Mardis, Massey, Metcalfe, Mims, McElderry, Parker, Parsons, Penn, Perkins, Pickens, Richardson, Sanders, Smith of J. Smith of L. Sykes, Townsend of m. Weissinger, Willborne and Whitfield. — *Mr Cheesbrough* having received a majority of the whole number of votes given, was declared duly and constitutionally elected Portwarden for the port and harbor of Mobile.

The Senate withdrew.

*Mr Pickens* made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in the Senate of the following titles, to wit: an act prescribing the duties of sheriffs and returning officers in holding elections and returning the votes of all persons voting on proposed amendments to the constitution of the state of Alabama; an act to compensate John Elliott for services render-

ed the state; an act the better to secure the collection of the state revenue; an act to extend the limits of Clarke county; an act to change the times of holding the courts of commissinners of roads and revenue in the county of Franklin. They have also examined and find correctly enrolled the joint resolutions originating in the Senate, entitled the joint resolutions proposing amendments to the constitution of the state of Alabama, so as to limit the tenure of the judges' office to six years.

And then the House adjourned till Monday morning,  $\frac{1}{2}$  past 9 o'clock.

*Monday, January 26, 1829.*

The House met pursuant to adjournment.

Mr Bridges, from the committee on propositions and grievances, to which was referred a resolution instructing them to inquire into the expediency of altering the time of holding the general elections in this state, reported that they conceived it to be inexpedient at this time to legislate on the subject. In which report the house concurred.

The house then proceeded to the orders of the day.

The engrossed bill to be entitled an act investing the mayor and aldermen of the town of Tuscaloosa with the power of opening roads within the corporate limits of said town being under consideration. Mr Barton moved to amend the amendments made by the Senate, to come in at the end of the 2d section, with the words *who shall vote on the subject*; which was carried. The amendment was concurred in by the house.

The bill to be entitled an act supplementary to an act entitled an act concerning executions and sales by sheriffs and for other purposes, was recommitted to a select committee, consisting of messrs Parsons, Smith L. and Penn.

Mr Parsons made the following report: The select committee to whom was referred the joint resolutions proposing amendments to the constitution of this state, so as to have biennial sessions of the General Assembly, as well as certain proposed amendments and instructions accompanying the same, have according to order had the same under consideration, and have instructed me to report as follows: In the 15th line of the first section of the resolution strike out the word 'five,' and insert in lieu thereof the word 'two.' Also in the seventeenth line of the same section strike out the word 'four,' and insert in lieu thereof the word 'two.' To the eighth section of the third article of the constitution add this additional proviso, to wit: 'And provided also, that should there be any county entitled to separate representation by the ratio which may from time to time be fixed for representation, and be not entitled by existing provisions to all the residuums of the adjoining counties, or so many as may be requisite, shall be carried to such county, and if when added to the white inhabitants of the same, the number be equal to the ratio fixed by law, such county shall be entitled to separate representation.' Strike out the sixteenth section of the sixth article, and insert in lieu thereof the following: 'No new county shall be established by the General Assembly which shall reduce the county or counties or either of them, from which it shall be taken, to a less content than five hundred and seventy-six square miles; nor shall any county be laid off of less contents. Every new county as to the right of representation shall be considered as a part of the county or counties from which it was taken until entitled by its numbers and the residuums of adjoining counties carried thereto, to the right of separate representation. In the 17th sec. of the 6th art. strike out the words '9 hundred,' where they occur in the proviso, and insert in lieu thereof the words 'five hundred and seventy-six;' it will then read, 'Provided, that no county hereafter to be formed shall be of less content than five hundred and seventy-six square miles.' In the seventeenth section of the sixth article, strike out these words, to wit: 'to which the Indian title shall have been extinguished.' *Ordered*, that said report lie on the table till tomorrow.

The bill from the Senate entitled an act in relation to the appointment and duties of trustees. Mr Coopwood moved to lay the bill on the table till Monday next; which was lost. The bill was then passed. *Ordered*,



that the title be aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to explain and amend an act entitled an act to regulate the licensing of physicians to practice and for other purposes. They concur in the resolution of the House of Representatives relating to the map of Virginia, presented by that commonwealth to this state. They have passed a bill which originated in the House entitled an act to emancipate a certain slave therein named. They have also passed joint resolutions to the congress of the United States, requesting the survey of a canal route to connect the waters of the Tennessee and Coosa rivers, which originated in the House of Representatives.

The bill to be entitled an act concerning the fees of clerks and sheriffs, was read a 2d time; it was then considered as engrossed, and the rule being further dispensed with, it was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to authorize the county court of Franklin county to levy a special tax for a certain purpose therein mentioned, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A bill from the Senate entitled an act to amend an act entitled an act to incorporate Lafavette academy in the village of Lagrange, was read a second time. Mr Hudson moved to amend the bill by striking out the name of *Riney*, with a view to insert *King*; which was carried. And the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill to be entitled an act to establish a road from Greensboro' to Mobile and for other purposes, was read a second time. Mr Anderson moved that the bill lie on the table till the first day of the next session; which was carried.

A bill to be entitled an act to authorize the president and directors of the bank of the state of Alabama to appoint an agent, was read a second time. Mr Perkins moved to amend the bill by adding thereto two additional sections. Mr Parsons then moved that the bill lie on the table till three o'clock this evening; which was carried.

Mr Flournoy who voted in the majority on laying on the table the bill entitled an act to establish a road from Greensborough to Mobile and for other purposes, until the first day of the next session of the general assembly, moved to reconsider the vote; which was carried. Yeas 36—Nays 26.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Banks, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Broadnax, Clark, Colgin, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, Harris, Lee, Lorler, Lea, Massey, Mims, Mobley, Musgrave, McElderry, Parsons, Penn, Perkins, Rogers, Sanders, Smith of L. Sykes, Tarver, Terry, and Whitfield.*

*Those who voted in the negative are, messrs Ambriester, Anderson, Barker, Bridges, Brown, Clough, Cole, Coopwood, Dale, Dupuy, George, Hill, Huges, Hudson, Mardis, Metcalfe, Parker, Pickens, Richardson, Russell, Salter, Smith of J. Walker of D. Walker, f m Weissinger and Wetburn.*

Mr Mobley moved that the bill lie on the table till tomorrow; which was carried.

The engrossed bill from the Senate entitled an act to incorporate Canton academy in Wilcox county and for other purposes, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill to be entitled an act to permit nonresident attorneys to practise in this state, was read a second time. Mr Barton moved to strike out the proviso in the bill; which was carried. Mr Parker offered the following proviso: *Provided*, they first give security in the sum of twelve hundred dollars; which was lost. Mr Barton moved to amend the bill by adding thereto the words, *circuit, superior or*; which was carried. The bill was then considered as engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act for the appointment of supervisors of roads, was read a second time. Mr Lea moved that the further consideration of the bill be postponed till the first day of August next; which was lost. Mr Pickens moved to amend the first section by adding at the end thereof the following proviso: *Provided*, that no person shall be appointed who is not liable to work on roads; which was carried. Mr Lawler offered the following: *Provided*, that nothing herein contained shall be so construed as to extend to the counties of Shelby, St Clair, Greene, Jefferson, Fayette, Marion and Jackson. Mr Mobley moved that the amendment lie upon the table till the first day of March next; which was lost. Mr Coopwood moved to amend Mr Lawler's amendment by adding the words 'and Perry;' which was carried. The question was then on the adoption of Mr Lawler's amendment as amended and lost. And the question being put, shall this bill be engrossed and read the third time tomorrow? it was determined in the affirmative. Yeas 37—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barton, Bibb of L. Clark, Coopwood, Dale, Durrett, Fearn, Flournoy, Gage, George, Harris, Hodges, Hudson, Lane, Lewis of F. Lewis of m. Mims, Musgrove, McElderry, Parsons, Penn, Perkins, Pickens, Rogers, Russell, Sykes, Townsend of m. Walker of D. Weissinger and Whitfield.

Those who voted in the negative are, messrs Bibb of M. Bonnell, Brandon, Broadnax, Brown, Clough, Cole, Colgin, Cook, Dupuy, Edmondson, Foster, Hill, Lawler, Lea, Mardis, Massey, Metcalfe, Mobley, Parker, Salter, Sanders, Smith of J. Smith of L. Terry, Walker of m. and Wellborne.

The bill to be entitled an act for the better organization of the Morgan cavalry was read a second time, and was then considered engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate entitled an act to repeal in part an act, approved Jan. 13, 1828, and for other purposes, was read a second time. Mr Parsons asked leave to withdraw his amendment; which was granted, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The engrossed bill entitled an act to divorce Benjamin D. Hassell from his wife, Mary Hassell. Mr Lawler asked leave to withdraw his amendment; which was granted. It was then read a third time and passed, there being a constitutional majority voting in favor of its passage. Yeas 48—Nays 9.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambriester, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of m. Broadnax, Brown, Clark, Clough, Cole, Coopwood, Dale, Dupuy, Darrett, Edmondson, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Hudson, Lane, Lea, Lewis of F. Lewis of m. Missey, Metcalfe, Mims, McElderry, Parker, Parsons Penn, Perkins, Pickens, Rogers, Russell, Smith of J. Sykes, Tarver, Terry and Townsend of m.*

*Those who voted in the negative are, messrs Colgin, Duke, Lawler, Mardis, Satter, Sanders, Smith of L. Walker of m and W issinger.*

The engrossed bill entitled an act to alter and change the times of holding the county courts of Lauderdale county being under consideration, *Mr* Clark moved that the bill lie on the table until tomorrow; which was carried.

A message from the Governor, by James I. Thornton, which is as follows, to wit:

*January 27.*—*Mr* Speaker, I am instructed by the Governor to inform your honorable body that he did, on the 24th inst. approve and sign the following bills: An act to incorporate the trustees of the Wilcox society for the encouragement of literature; an act to authorize the judge of the county court and commissioners of roads and revenue of Fayette county to levy an extra tax; an act to divorce John Layman from his wife Rebecca Layman; an act to divorce John Lindsey from his wife Abbey Lindsey; an act to authorize George W. Stoneroad to emancipate certain slaves therein mentioned; an act for the relief of Sasanna Casey; an act to incorporate the Athens male academy, in Limestone county; an act to authorize Hector Garrett to emancipate a certain slave therein mentioned; an act supplementary to an act entitled an act to authorize the sheriff or coroner of the county of Shelby to sell lands and slaves levied on by execution at the town of Montevallo, passed at the present session of the legislature; an act to repeal in part an act to locate the seat of justice for Fayette county, passed January 12, 1826; act authorizing William Burns and William V. Pruitt to continue their mill on Paintrock river; and an act to legalize registering certain deeds or conveyances of lands in this state. All of which originated in the house of representatives.

*Mr* Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in this house of the following titles, to wit: An act to alter the boundary line between the counties of Mobile and Washington; an act for the relief of E. Duvall, sheriff of Walker county; an act to arrange, designate and establish the boundaries between the counties of Butler, Pike and Covington, and for other purposes; an act for the relief of William May and James Reynolds; an act to exempt certain persons from performing military duty in this state therein named; an act for the relief of Stith Evans, of Greene county; an act to change the time of holding the courts of commissioners of roads and revenue in the county of Franklin; an act for the payment of Martin Wells. They also find correctly enrolled the joint memorial entitled a joint memorial to the congress of the United States asking relief for the purchasers of public land, and for other purposes.

The bill to be entitled an act for the compensation of certain persons therein named, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was then ordered to be engrossed and read a third time today.

The engrossed bill from the Senate entitled an act to change the time of holding the county courts of Jackson county and for other purposes, was referred to a select committee, consisting of messrs Ambriester, Smith of J. and Wellbourne, to consider and report thereon.

The engrossed bill from the Senate entitled an act to prevent extortion by public officers, and for other purposes, was read a third time. Mr. Hulson moved to amend the 3d section of the bill by inserting after the word *county* in the 2d line the words *or circuit*, by way of engrossed rider; which was carried. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

The following message was received by Mr. Lyon: Mr. Speaker, the Senate have passed bills which originated in their House entitled an act to allow M. D. Williams additional compensation for his services as a commissioner to close the unsettled accounts between the states of Alabama and Mississippi; and an act to change the boundary line between the counties of Monroe and Wilcox: in which they desire your concurrence. They have passed bills which originated in the House of Representatives entitled an act concerning the fees of clerks and sheriffs; and an act to amend an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, passed Jan. 12, 1826. They concur in the several amendments made by the House to bills of the following titles, to wit: an act in relation to the appointment and duties of trustees; an act to amend an act entitled an act to incorporate the Lafayette academy in the village of Lagrange; and an act to incorporate the Canton academy in the county of Wilcox. They have laid on the table till the first day of the next session a bill, which originated in the House, entitled an act to alter the time of holding the courts in the 4th circuit. They have indefinitely postponed a bill which originated in the House entitled an act to permit nonresident attorneys to practice in this state.

The engrossed bill from the Senate entitled an act to change the boundary line between the counties of Monroe and Wilcox. Mr. Foster moved that the bill lie upon the table till the first day of the next General Assembly; which was carried.

The engrossed bill from the Senate entitled an act to give M. D. Williams additional compensation for his services as a commissioner to close the unsettled accounts between the states of Alabama and Mississippi was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on propositions and grievances, with instructions to report on tomorrow.

The engrossed bill from the Senate entitled an act to amend an act entitled an act to authorize the sale of the sixteenth sections and for other purposes, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The house then adjourned until this evening, 3 o'clock.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

Mr. Anderson offered the following resolution: *Resolved*, with the concurrence of the Senate, that the two Houses of the General Assembly will adjourn *sine die* on Wednesday next at 5 o'clock, p. m. Mr. Parsons moved to amend the resolution by striking out *Wednesday*, with a view of inserting *Saturday*; which was lost. Mr. Coopwood moved to amend the resolution by striking out *Wednesday*, with a view to insert *Thursday*; which was carried. Mr. Perkins moved to amend the resolution the following words: *If the business before the House be so soon done*; which was lost. Yeas 22—Nays 36.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Barker, Brandon, Brown, Dale, Dupuy, Durrett, Flournoy, George, Lane, Massey, Masgrave, Parsons, Perkins, Rogers, Russell, Smith of L. Sykes, Tarver, Whitfield.*—Those who voted in the negative are, messrs An-

*Abramson, Bibb of m. Bonnell, Bridges, Clark, Clough, Cole, Colgin, Cook, Coopwood, Duke, Edmondson, Foster, Gage, Hill, Hudson, Hodges, Lawler, Lea, Lewis of F. Maudis, Metcalfe, Mims, Mobley, McElderry, Parker, Pickens, Richardson, Salter, Sanders, Smith of J. Terry, Walker of D. Weissinger, Wellborne.*

The resolution as amended was then adopted.

*Mr Gage* obtained leave to introduce a bill to be entitled an act supplemental to an act entitled an act for the relief of *Smith Evans* of the county of *Greene*; which was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith; the bill was then considered as engrossed, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to authorize the president and directors of the bank of the state of Alabama to employ an agent, was read a second time. *Mr Pickens* moved to amend the bill by adding thereto two additional sections. *Mr Clark* moved to amend *Mr Pickens*' amendment, by adding after the words *be* and before *disposed* the words *or have been*: which was carried. *Mr Colgin* moved to amend the amendment, by inserting after the word 'president' the words 'and directors;' which was lost. The bill was then ordered to be engrossed for a third reading tomorrow.

Engrossed bills of the following titles, to wit: An act to incorporate an agricultural society in the town of *Greensborough*; an act to incorporate the *Montgomery* wharf and steamboat company; an act for the relief of *Henry C. Anthony*; an act to establish a ferry at *Gainstown* in the county of *Monroe* and for other purposes; an act prescribing the duties of the commissioners appointed to superintend the erection of the state capitol; an act for the compensation of certain persons therein named; were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to authorize the trustees of the university of the state of Alabama to sell and dispose of the unsold university lands in the county of *Jefferson*, was read a third time. *Mr Parsons* moved to amend the title of the bill by striking out the words 'in the county of *Jefferson*;' which was carried. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act the more effectually to prevent the profanation of the sabbath, by the loading and unloading of boats and other water craft, at the port of *South Florence* in the county of *Franklin*. *Mr George* moved that the bill lie upon the table till the first day of *March* next; which was lost. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill to be entitled an act to emancipate a certain slave therein named, was read a second time, and considered as engrossed; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to authorize the turnpiking of a certain road therein named was read a third time. *Mr McElderry* moved to amend the bill by way of engrossed rider, by adding thereto an additional section No 10; which was carried. Yeas 37—Nays 23.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Banks, Barton, Bibb of m. Bonnell, Bridges, Brown, Clough, Colgin, Cook, Coopwood, Duke, Dupuy, Edmondson, Flourney, Foster, Gage, Harris, Hill, Hodges, Lane, Lea, Mardis, Massey, Mobley, McElderry, Parker, Penn, Richardson, Salter, Sanders, Smith of J. Smith of L. Sykes, Terry, Walker of m. Whitfield*

*Those who voted in the negative are, messrs Speaker, Ambrister, Anderson, Barker, Bibb of L. Brandon, Clark, Cole, Dale, Fearn, George, Hudson, Lawler, Lewis of m. Musgrove, Parsons, Perkins, Pickens, Rogers, Russell, Weissinger and Wellborne.*

Mr Bibb of m. moved to amend the bill, by way of engrossed ryder, by adding the following section: Sec. 11. *And be it further enacted*, that said commissioners shall be required, and are hereby authorized in the manner prescribed in the second section of the bill, and at the same time and place proceed to appoint some suitable person or persons to turnpike said road from Ditto's landing to Huntsville, and shall receive the same rates of toll as may be allowed on said road south of the Tennessee river. Mr Fearn offered the following proviso: *Provided*, that no gate shall be erected within the county of Madison. Mr Sykes moved that the bill lie on the table till the first Monday in August next; which was carried. Yeas 35—Nays 18.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Barker, Bibb of L. Bibb of m. Bonnell, Bridges, Brown, Clough, Colgin, Cook, Dupuy, Edmondson, Flourney, Foster, Gage, George, Harris, Hill, Lane, Lawler, Lea, Lewis of m. Massey, McElderry, Parker, Penn, Richardson, Russell, Sanders, Smith of L. Sykes, Walker of m. Whitfield.*

*Those who voted in the negative are, messrs Ambrister, Barton, Brandon, Clark, Cole, Coopwood, Dale, Hodges, Hudson, Mardis, Musgrove, Parsons, Perkins, Pickens, Rogers, Smith of J. Terry, Weissinger and Wellborne*

The bill from the Senate entitled an act supplementary to an act entitled an act to incorporate the Cahawba navigation company, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Sanders, who voted in the majority on laying the bill on the table till the first day of August next, entitled an act to amend the law now in force in relation to the change of venue in civil cases and for other purposes, moved to reconsider the vote. The motion pending, the House adjourned till this evening 7 o'clock.

*Night Session.*—The House met pursuant to adjournment.

The bill from the Senate entitled an act prescribing the mode of obtaining the testimony of certain state, and other officers therein named, was read a second time. Mr Fearn moved to strike out the preamble of the bill; which was carried. Mr Parsons moved to amend the first section by inserting the following: after the word *State*, in the 2d line of the 1st section, *practising attornies and counsellors at law, and practising physicians*; which was adopted. Mr Coopwood moved further to amend the 1st section of the bill by inserting the following: *Members of the General Assembly and members of the Congress of the United States while in session*; which was carried. Mr Lewis of m. moved to amend the bill by inserting the following proviso: *Provided, that the party subpoenaing may procure the attendance of such witness by apprising the witness in the subpoena that he will pay said witness three times the amount now provided for witnesses by law; and provided further, that said additional compensation shall not be taxed in the general bill of cost, unless the costs shall fall upon the party subpoenaing; and in case such costs shall not fall*

on such party subpoenaing, it shall be taxed in a separate bill of costs against such party, and shall have all the force of any other execution, and all other persons who may be subpoenaed to court, out of the county in which they reside; which was lost. Mr Terry moved further to amend the bill by inserting the word *county* after the word *in* or *it*, where the word occurs in the bill. Mr Townsend of m. moved to amend the bill by inserting the words *notaries public*. Mr Pickens moved to amend Mr Townsend's amendment by adding the words *and commission merchants at Mobile*. Mr Brandon moved to strike out the words *at Mobile*; which was lost. Mr Flournoy then moved to lay the bill, with the amendments, on the table till tomorrow; which was lost. Mr Parsons moved to amend Mr Townsend's amendment by striking out the words *notary public*; which was carried. Mr Mobley then moved to strike out the word *commission*; which was lost. Mr Mobley then moved that the bill lie on the table till the 1st day of March; which was lost. Yeas 15—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are messrs Anderson, Barker, Colgin, Flournoy, Foster, Harris, Hudson, Lewis of m. Mobley M. Elderry, Richardson, Rogers, Smith of J. and Tarver

Those who voted in the negative are, messrs Speaker, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Clark, Cole, Coopwood, Dale, Durrett, Edmondson, Fearn, George, Hill, Hodges, Lane, Lawler, Lea, Mardis, Parker, Parsons, Perkins, Pickens, Sanders, Smith of L. Sykes, Terry, Townsend Walker of m. of m. and Weissinger.

The question was then on mr Pickens' amendment as follows: After the word *courts* insert *commission merchants of the city of Mobile*; which was lost. Yeas 16—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Clark, Coopwood, Edmondson, George, Hodges, Lane, Lewis of m. Parsons, Pickens, Sanders, Smith of J. Sykes, Tarver, Terry, Townsend of m. and Weissinger.

Those who voted in the negative are, messrs Speaker, Anderson, Barker, Bibb of L. Bibb of m. Bonnell, Brandon, Brown, Cole, Colgin, Dale, Durrett, Fearn, Flournoy, Foster, Hill, Hudson, Lawler, Lea, Mardis, Mobley, McElderry, Parker, Perkins, Pickens, Richardson, Rogers, Smith of L. and Walker of m.

The bill was then ordered to a third reading tomorrow.

The house resumed the consideration of mr Sanders' motion to reconsider the vote taken on laying on the table until the 1st day of August, the bill entitled an act to amend the law now in force, in relation to the change of venue in civil causes, and for other purposes; which was carried. It was then referred to a select committee, consisting of messrs Parsons, Penn and Barton.

The bill from the Senate entitled an act to compel the president and trustees of the town of Moulton to keep their streets in repair, and for other purposes, was read a second time. Mr Coopwood moved to amend the bill by adding thereto an additional section, No 4; which was carried; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

Ordered, that mr Cook have leave of absence for the remainder of the session.

Mr Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in this house, of the following titles to wit: An act to amend an act entitled an act to establish and improve a certain road therein mentioned, approved January 13, 1826; an act to authorize the governor to procure copies of the state map.

The joint memorial to the congress of the United States, requesting a modification of an act, of Congress, passed at the 23d of May, 1828, entitled an act to grant certain relinquished and unappropriated lands to the state of Alabama for the purpose of improving the navigation of the Tennessee, Coosa, Cahawbapue Black Warrior rivers: Mr Mardis in the chair. Mr Clay moved that the further consideration of the memorial be postponed till the first day of the next general assembly; which was carried.

The bill entitled an act to amend an act entitled an act to authorize executors and administrators to make titles to real estate sold by their testator or intestate passed the 24th of December, 1812. was read a second time. The bill was then considered as engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, That it be sent to the Senate for their concurrence.

The House adjourned till tomorrow half past 9, A.M.

*Tuesday, January 27, 1829.* The House met pursuant to adjournment.

Mr Barton made the following report: The judiciary committee to whom was referred the message of his excellency the Governor, concerning communications from merchants, brokers and others, of the cities of New-York and Mobile, relative to the appointment of commissioners in the commercial cities of the other states, to take the acknowledgement of deeds, &c. have had the same under consideration, and instructed me to report that they have not leisure to give the subject the proper attention, from the late period of the session at which it came before them; they therefore have instructed me ask to be discharged from the further consideration of the subject during the present session

*Seth Barton, chairman.*

*Ordered*, That said committee be discharged from the further consideration of the subject.

Mr Parsons, from the committee on schools, colleges and universities and school and university lands, to which was referred the petition of sundry inhabitants of Wilcox and Monroe counties, praying a lottery for raising a sum of money for certain purposes therein mentioned, reported that it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration of the subject; which was granted.

Mr Mardis from the select committee to which was referred the bill from the Senate entitled an act the better to secure impartial trials by jury in certain cases, reported the same without amendment. Mr Mardis then moved that the bill lie upon the table till the first day of the next General Assembly.

Mr Walker of D. from the select committee to which was referred the bill from the Senate entitled an act to change the time of holding the fall terms of the courts in the second judicial circuit, reported the same with the following amendment: by adding thereto an additional section No 3, and also amending the title of the bill with the following, to wit: *and to extend the next fall term of the circuit court for Greene county.* The amendments were then concurred in by the House; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Parsons made the following report: The select committee to whom was referred a bill to be entitled an act to require additional duties of the the president of the bank of the state of Alabama, and a bill to authorize the president and directors of said bank to employ an additional clerk



For part of the year, have had the the same under consideration, and report the first named bill with one amendment; and have amended the last mentioned bill by striking out all the section after the word *bank*, in the 5th line. Mr Walker of D. moved that the report, so far as relates to the addition of two sections, be laid on the table till the first day of the next session which was carried. The question was then to concur on striking out the latter part of the bill after the word *bank*; which was carried. Mr Coopwood offered the following amendment: *for not exceeding six months in each year, and pay him such compensation as a majority of the board may agree upon, not exceeding sixty dollars per month*; which was adopted. And the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed bills which originated in the House of Representatives of the following titles, to wit: an act to divorce Benj. D. Hassell from his wife Mary Hassell; an act for the better organization of the Morgan cavalry; an act to incorporate an agricultural society in Greensborough; an act for the relief of Henry T. Anthony; and an act supplemental to an act entitled an act for the relief of Stith Evens, of Greene county, passed at the present session of the General Assembly. They concur in the amendment made by the House to their amendments to the bill entitled an act investing the mayor and aldermen of the town of Tuscaloosa with the power of opening roads within the corporate limits of said town. They have rejected bills which originated in the House of Representatives of the following titles, to wit: an act prescribing the duties of the commissioners, appointed to superintend the erection of the state capitol; an act to provide for the compensation of certain persons therein named; and an act more effectually to prevent the profanation of the sabbath, by the loading and unloading of boats and other water craft, at the port of South Florence in Franklin county. They concur in the resolution of the House of Representatives, proposing that the two houses of the General Assembly will adjourn *sine die* on Thursday next at 5 o'clock, p. m.

The bill entitled an act requiring additional duties of the president of the state bank, on motion of Mr Coopwood, was laid on the table.

Mr Ambrister, from the select committee to which was referred the bill from the Senate entitled an act to change the times of holding the county courts of Jackson county, reported the bill with the following amendments: strike out 'March' and 'September,' in the first section, and insert in lieu thereof the words 'third Mondays in February and August.' Strike out 'March,' in the last line of the second section, and insert 'February,' which were concurred in by the house. The rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Penn, from the select committee to which was referred the bill entitled an act to secure the estates of females, reported the same with sundry amendments. Mr Clark moved to postpone the bill till the first day of the next general assembly; which was carried. Yeas 32—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Brandon, Bridges, Brown, Clark, Clough, Cole, Coopwood, Duke, Dupuy, Edmondson, Flournoy, Foster, Gage, Hodges, Hudson, Lane, Lawler, Mardis, Mossey, Mercalfe, Mims, McElderry, Parker, Perkins, Russell, Townsend of m. Walker of m. Weissinger and Wellbourne.—Those who

Voted in the negative are, messrs Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Colgin, Dale, Durrett, Fearn, George, Harris, Lea, Lewis of m. Mobley, Musgrove, Parsons, Penn, Perkins, Rogers, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Walker of D. Whitfield.

Mr Smith of L. moved to spread on the journals the bill to be entitled, an act to secure the estates of females; which was lost. Yeas 22—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Bonnell, Clough, Colgin, Dale, George, Harris, Hodges, Lea, Lewis of m. Mobley, Parsons, Penn, Salter, Sanders, Smith of J. Smith of L. Tarver, Terry, Weissinger and Whitfield.—Those who voted in the negative are, messrs Ambrister, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of m. Brandon, Bridges, Clark, Cole, Coopwood, Duke, Dupuy, Durrett, Edmondson, Fearn, Flournoy, Foster, Gage, Hudson, Lane, Lawler, Mardis, Massey, Metcalfe, Mims, Musgrove, McElderry, Parker, Perkins, Rogers, Russell, Sykes, Townsend of m. Walker of D. Walker of m. and Wellbourne.

Joint resolutions from the Senate proposing amendments to the constitution of this state, so as to have biennial sessions of the General Assembly thereof. The question was on concurrence with the report of the committee: Mr Bibb of L. in the chair. Mr Clay moved to amend the report with the following: Amend the report by saying that after the word 'county,' in the 6th line from the bottom of page 1st, the words 'existing at the adoption of the constitution.' Mr Flournoy offered the following amendment to Mr Clay's amendment: Strike out the words 'at the time of the adoption of the constitution,' and insert 'on the 1st Monday in August, A. D. 1830;' which was lost. Yeas 25—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Banks, Bonnell, Bridges, Clark, Clough, Cole, Dale, Duke, Flournoy, Harris, Lane, Lawler, Lea, Lewis of m. Metcalfe, Mobley, Musgrove, Parker, Perkins, Salter, Tarver, Townsend of m. Walker of m. Weissinger.—Those who voted in the negative are, messrs Speaker, Ambrister, Barker, Barton, Bibb of L. Bibb of m. Brandon, Colgin, Coopwood, Dupuy, Durrett, Edmondson, Fearn, Foster, Gage, George, Hill, Hodges, Hudson, Massey, McElderry, Parsons, Penn, Pickens, Richardson, Rogers, Russell, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Walker of m. Wellborne, Whitfield.

The question was then *mr* Clay's amendment, and carried. Yeas 34—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Banks, Barker, Barton, Bibb of L. Bibb of M. Brandon, Brown, Dupuy, Durrett, Edmondson, Fearn, Gage, George, Hill, Hodges, Hudson, Lane, Massey, McElderry, Parsons, Penn, Pickens, Rogers, Russell, Sanders, Smith of J. Smith of L. Sykes, Terry, Walker of m. Wellborne and Whitfield.—Those who voted in the negative are, messrs Anderson, Bonnell, Bridges, Clark, Clough, Cole, Colgin, Coopwood, Dale, Duke, Flournoy, Foster, Harris, Lawler, Lea, Lewis of m. Mardis, Metcalfe, Mims, Mobley, Musgrove, Parker, Perkins, Richardson, Salter, Tarver, Townsend of m. Walker of D. Weissinger.

Mr Parsons moved to strike out the words 'five hundred and seventy-six;' which was carried. Mr Lewis of m. moved to fill the blank with 'seven hundred and fifty-six;' which was carried. Mr Barton moved to recommit to the same committee so much of the amendment as contemplates other amendments so the constitution, other than biennial sessions, and bring in separate resolutions embracing the amendments, for the separate consideration of this house; which was lost. Yeas 21—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barker, Barton, Bibb of L. Brown, Clark, Cole, Colgin, Dale, Dupuy, Fearn, Hill, Lea, Metcalfe, Mobley, Musgrove, Penn, Perkins, Terry, Walker of m. Weissinger and Whitfield.—Those who voted in the negative are, messrs Speaker, Ambrister, Anderson, Banks, Bibb of m. Bonnell, Bridges, Brandon, Clough, Coopwood, Duke

Durrett, Edmondson, Flournoy, Foster, Gage, George, Harris, Hodges, Hudson, Lane, Lawler, Lewis of m. Mardis, Massey, McEhlerry, Parker, Pickens, Richardson, Rogers, Russell, Salter, Smith of J. Sykes, Tarver, Townsend of m. Walker D. and Wellborne.

Mr Lea moved that the House do now adjourn until tomorrow morning half past nine o'clock; which was lost. Yeas 9—Nays 52.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Banks, Lea, Mims, Parsons, Perkins, Sykes Tarver, Terry, Walker of D.*

*Those who voted in the negative are, messrs Speaker, Ambrister, Anderson Barker, Burton, Bibb of L. Bibb of m. Boardman, Bridges, Brown, Clark Clough, Cole, Corbin, Cornwood, Dale, Duke, Darity, Durrett, Edmondson Farn, Flournoy, Foster, Gage, George, Harris, Hill, Hodges, Lane, Lawler, Lewis of m. Mardis, Metcalfe, Massey, Mobley, Musgrove, McEhlerry, Parker, Pickens, Richardson, Russell, Rogers, Salter, Sanders, Smith of J. Smith of L. Townsend of m. Walker of m. Weissinger, and Wellbourne.*

The report of the select committee to the resolutions proposing amendments to the constitution of this state, so as to have biennial sessions of of the general assembly thereof, being under consideration; Mr Lewis of m. moved to amend the report by annexing the following proviso to the third number of the report: *Provided*, no new county shall be formed, or no old county so reduced as to lessen the number of white population below the ratio of representation; which was carried. The report as amended was then concurred in by the House.

And then the house adjourned till this evening 7 o'clock.

*Night Session.*—The House met pursuant to adjournment.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate concur in the amendments made by the House of Representatives to the bill entitled an act to change the times of holding the fall terms of the courts in the 2d judicial circuit. They have passed a bill which originated in the House entitled an act to authorize the Trustees of the university of the state of Alabama to sell and dispose of the unsold university lands, and have amended the same in the manner herewith shown: in which they desire your concurrence. They concur in the amendments made by the house to the bill entitled an act to change the times of holding the county courts of Jackson county and for other purposes, and have amended the amendment made by the house to the said bill in the manner herewith shown: in which they ask your concurrence.

In which amendments the house concurred.

The joint resolution from the Senate proposing amendments to the constitution of this state, so as to have biennial sessions of the general assembly, was, on motion of Mr Lewis of m. laid on the table till tomorrow.

The engrossed bill entitled an act to ascertain the voice of the people of Pickens county relative to the removal of their present seat of justice, was referred to a select committee, consisting of messrs Flournoy, Parker, and Duke.

The bill to be entitled an act to establish a road from Greensborough to Mobile and for other purposes, was referred to a select committee, consisting of messrs Mobley, Anderson and Harris, to consider and report thereon.

Mr Sykes made the following report: The committee on enrolled bills have examined and find correctly enrolled bills originating in the house of the following titles, to wit: An act to amend an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, passed Jan. 12, 1827; an act concerning the fees of clerks and sheriffs; an act supplemental to an act entitled an act for the relief of Stith Evans of Greene county, passed at the present session of the

**General Assembly**, an act for the better organization of the Morgan cavalry; an act to divorce Benjamin D. Hassell from his wife Mary Hassell. They have also examined and find correctly enrolled a joint memorial, originating in the Senate, entitled a joint memorial of the two houses of the general assembly of the state of Alabama to the congress of the United States, requesting that the unappropriated lands within the state of Alabama may be ceded to the state for the purposes of internal improvement and education therein; also a joint memorial from the Senate entitled joint memorial to the congress of the United States, asking an extension of the circuit court system of the federal judiciary of the western and southwestern states of the union.

Message from the Senate by *Mr Lyon*: *Mr Speaker*, the Senate have passed a bill which originated in the House of Representatives entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and have amended the same in the following manner: 1. By striking from the 6th line of the 1st section the words 'two years,' and inserting 'one year,' where it relates to the term of office of the commissioners. 2. By striking from the latter part of the 1st section the words 'but said commissioners shall only receive for their services such compensation as may be sufficient to defray the necessary expenses incurred in the discharge of the duties of their office,' and inserting the words 'and the said commissioners shall receive for their services the sum of \$4 per day each, whilst engaged in the discharge of the duties hereby assigned them.' 3. By striking from the last line of the 2d sect. the words 'preparatory to letting the same to contract,' and inserting the words 'and report the same with any other necessary information to the next general assembly during the first week of their session.' 4. By striking out the 3d, 4th, 5th, 6th, 7th and 8th sections of the bill, and by striking out *five* and inserting *three*, as the number of commissioners, and by amending the caption by striking out the word *canal*. in all of which they desire the concurrence of the House. They have passed a report and joint resolutions on the subject of the tariff of 1828, which originated in the Senate, and which they desire the concurrence of the House. They concur in the amendments made by the House of Representatives to the bill entitled an act to compel the president and trustees of the town of Moulton to keep their streets in repair and for other purposes.

*Ordered*, that the House concur in the amendments made by the Senate to the engrossed bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes. 1st. By striking from the 6th line of the 1st section the words 'two years' and inserting 'one year,' where it relates to the term of office of the said commissioners. 2d. By striking from the latter part of the 1st section the words 'but said commissioners shall only receive for their services such compensation as may be sufficient to defray their necessary expenses incurred in the discharge of the duties of their office,' and inserting the words 'and said commissioners shall receive for their services the sum of \$4 per day each, whilst engaged in the duties hereby assigned them.' *Ordered*, that the House disagree to the amendment of the Senate proposing to strike from the last line of the 2d section the words 'preparatory to letting the same to contract,' and inserting the words 'and report the same with any other necessary information to the next General Assembly during the first week of their session.' *Mr Coopwood* moved that the House concur in the amendment of the Senate proposing to strike out the 3d, 4th, 5th, 6th, 7th and 8th sections of the bill; which was lost. Yeas 19—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are, messrs Anderson, Bridges, Clark, Clough, Cole, Colgin, Coopwood, Duke, Flournoy, Hodges, Hudson, Lawler, Mardis, Metcalfe, Parker, Pickens, Richardson Walker of D. and Weissinger.

Those who voted in the negative are, messrs Speaker, Banks, Barker, Barton Bibb of L. Bibb of m. Bonnell, Brandon, Durrett, Edmondson, Fearn, Foster, George, Harris, Hill, Lane, Lewis of m. Massey, Mobley, Musgrove, McElde ry, Parsons, Penn, Perkins, Salter, Sanders, Smith of J. Smith of L. Sykes, Tarver, Terry, Townsend of m. Walker of m. Wellborne and Whitfield.

Ordered, that the House disagree to said amendment. Mr Coopwood moved that the House concur in the amendment of the Senate proposing to strike out 'five' and insert 'three' as the number of commissioners; which was lost. Ordered, that the House disagree to said amendment. Mr Clay moved that the House disagree to the amendment of the Senate proposing to strike out the word 'canal' in the caption of the act; which was carried. Ordered, that the clerk inform the Senate thereof. Mr Clay moved that a committee of conference be appointed on the part of the House on the subject matter of difference between the two Houses; whereupon messrs Bibb of L. Parsons and Fearn were appointed said committee.

Report and joint resolutions from the Senate on the subject of the tariff of 1828, was read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, they were then read a 2d time forthwith and referred to the committee on the state of the republic.

The bill entitled an act to change the time of holding the circuit courts in the counties of Shelby and St Clair was referred to a select committee, consisting of messrs Mardis, Lawler, Massey and Barker, to consider and report thereon.

The bill entitled an act supplemental to an act, passed the present session of the General Assembly, entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named, was read a second time. Mr Coopwood moved to strike out the 3d section of the bill; which was lost. Mr Fearn moved to amend the bill by adding the following section: Sec. — *And be it further enacted*, That the commissioners elected according to the provisions of the act to which this is a supplement, to select and assess the relinquished and unappropriated lands, shall not be authorized to asses the value of any lands lying in the county in which the commissioners assessing the same may reside; which was lost. Yeas 24—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Barton, Brandon, Durrett, Fearn, Flournoy, George, Harris, Hill, Lawler, Lewis of m. Mardis, Mobley, Musgrove, McElde ry, Parsons, Penn, Perkins, Smith of L. Tarver, Townsend of m. Walker of m. Wellbourne and Whitfield.

Those who voted in the negative are, messrs Anderson, Bibb of L. Bibb of m. Bonnell, Bridges, Clark, Clough, Cole, Colgin, Coopwood, Duke, Edmondson, Hodges, Hudson, Lane, Massey, Metcalfe, Parker, Richardson, Salter, Sanders, Smith of J. Sykes, Terry, Walker of D. and Weissinger.

Mr Fearn moved to amend the bill by adding section No 4; which was carried. Mr Fearn moved to amend the 3d section of the bill by adding at the end thereof the following proviso: *Provided*, that the provisions of this section shall not apply to occupants so as to prevent them from cultivating or keeping in repair any of said lands which they may have in their occupancy; which was carried; and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time and passed. Ordered, that the title be as aforesaid.

And then the House adjourned till Monday morning,  $\frac{1}{2}$  past 9 o'clock

Wednesday, January 28, 1829.

The House met pursuant to adjournment.

Mr Sykes made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in the house, of the following titles, to wit: an act investing the mayor and aldermen of the town of Tuscaloosa with the power of opening roads within the corporate limits of said town; an act for the relief of Henry T. Anthony; an act to incorporate an agricultural society in the town of Greensborough. They have also examined and find correctly enrolled joint resolutions, which originated in the House, the title of which is joint resolutions to the congress of the United States, requesting the survey of a canal route to connect the waters of the Tennessee and Coosa rivers.

Mr Flournoy, from the select committee to which was referred the engrossed bill entitled an act to ascertain the voice of the people of Pickens county, relative to the removal their seat of justice, reported the same without amendment; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Parsons, from the select committee to which was referred the bill to be entitled an act to amend the law now in force in relation to the change of venue in civil cases and for other purposes, reported the same with the following amendment: by striking out all of the bill after the word *that*, and by substituting two other sections in lieu thereof. Mr Hudson moved to amend the first section by adding the words *his, her or their*, after the word *by*, and before the word *affidavit*; which was carried. Mr Sanders moved to recommit the bill, with instructions to report a section in lieu of the one reported by the committee; which was lost. Mr Hudson moved to amend the 1st section of the bill by the following proviso: *Provided, that nothing herein contained shall authorize the court before which such application is made to change the venue of any cause to the county from which the venue has been once changed*; which was carried. Mr Coopwood moved to strike out of the first section of the bill the words 'now pending or;' which was lost. Yeas 17—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are, messrs Clark, Clough, Cole, Coopwood, Edmondson, Gage, Hill, Hodges, Hudson, Mardis, Mercalfe, Minis, Parker, Perkins, Salter, Walker of D. Weissinger.

Those who voted in the negative are, messrs Ambrister, Anderson, Barks, Barker, Barton, Bibb of L. Bibb of M. Bonnell, Brandon, Bridges, Brown, Dale, Dupuy, Durrett, Fearn, Flournoy, Foster, Harris, Lane, Lawler, Lea, Lewis of m. Massey, M. Aley, Musgrove, McElderry, Parsons, Penn, Pickens, Rogers, Russell, Sanders, Smith of J. Sykes, Tarver, Terry, Townsend of m. Walker of m. Wellborne and Whitfield.

The amendments as to the first section were then concurred in by the House, and the bill ordered to be engrossed for a third reading tomorrow. Mr Clark moved to recommit the bill, viz. the last section, to a select committee, which was carried; consisting of messrs Parsons, Townsend and Lane, to consider and report thereon.

Mr Walker of D. made the following report: The committee on enrolled bills have examined and find correctly enrolled bills originating in the house of the following titles, to wit: an act to authorize the trustees of the university of the state of Alabama to sell and dispose of the university lands; an act to incorporate the Mobile marine railway and insurance company.

message from the Senate, by Mr Lyon: Mr Speaker, the Senate have passed bills which originated in the House of Representatives entitled an act to establish a ferry at Gainstown and for other purposes; an act to

incorporate the Montgomery wharf and steamboat company; and an act to emancipate a certain slave therein named. They concur in the amendment made by the House of Representatives to the 3d section of the bill entitled an act to prevent extortion by public officers and for other purposes; and disagree to the amendments made by the House to said bill by adding thereto sundry additional sections. They concur in the several amendments made by the House of Representatives to the bill entitled an act to change the times of holding the county court for Jackson county; and have amended the 3d section of the amendment in the manner herewith shown; in which they desire the concurrence of the House of Representatives. They also concur in the amendments made by the House of Representatives to the bill entitled an act to amend an act entitled an act to authorize the sale of 16th sections and for other purposes. The Senate have rejected bills which originated in the House of Representatives entitled an act to suppress the evil and pernicious practice of fire-hunting, passed Dec. 12, 1822; and an act to amend an act entitled an act to authorize executors and administrators to make titles to real estate sold by their testator or intestate, passed Dec. 24, 1812.

*Ordered*, That that the House insist on their amendments to the bill entitled an act to prevent extortion by public officers and for other purposes.

*Ordered*, That the House concur in the amendments made by the Senate to the bill to be entitled an act to provide for taking the sense of the people of the county of Tuscaloosa upon the subject of moving the site of their courthouse and for other purposes.

*Mr Mobley* from the select committee to which was referred the bill entitled an act to establish a state road from Greensborough to Mobile, reported the same with the following amendment: after the word *representatives* in the first section, insert *the state of Alabama*; which was concurred in. The bill was then ordered to be engrossed for a third reading tomorrow.

*Mr Mardis*, from the select committee to which was referred the bill entitled an act to change the times of holding the courts in the counties of Shelby and St Clair, reported the same without amendment; and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a third time forthwith, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

*Mr Harris*, from the committee on propositions and grievances, to which was referred the bill from the Senate entitled an act to allow M. D. Williams additional compensation for his services as a commissioner to close the unsettled accounts between the states of Alabama and Mississippi, reported the same with the following amendments, viz: in the title of the bill, at the end of the 3d line, insert the words *and John D. Terrill*; in the 4th line after the word *for* strike out the word *his* and insert *their*. In the 14th line, after the word *Williams*, insert *John D. Terrill*. In the 15th line, after the word *dollars*, insert *each*. In the 17th line strike out *him* and insert *them*. In the 19th line strike out *his* and insert *their*. In the same line strike out *a*, and insert the letter *s* after *commissioner*, in the 20th line. The amendments were then concurred in; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith; and the question being put, *Shall this bill pass?* it was determined in the affirmative. Yeas 35—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Barton, Brandon, Bridges, Clough, Colgin, Coopwood, Dale, Duke, Egan, Gage, Hodges, Hudson, Lane, Lea, Lewis of m Mardis Metcalfe, Mims, Mobley, Parsons, Perkins, Pickens, Richardson, Russell, Sanders

Tarver, Terry, Townsend of m. Walker of D. Walker of m. Weissinger, Whitfield. Those who voted in the negative are, messrs Barker, Bibb of L. Bibb of m. Broadnax, Brown, Clark, Cole, Dupuy, Durrett, Edmondson, Flournoy, Foster, Harris, Hill, Lawler, Massey, Musgrove, McElderry, Penn, Rogers, Salter, Smith of L. Sykes, and Wellborne.

Mr Anderson offered the following resolution: *Resolved*, that, with the concurrence of the Senate, the resolution heretofore adopted for the adjournment of the two Houses on tomorrow evening be rescinded, and that the two Houses will adjourn on Saturday evening next *sine die*, unless they sooner complete the business before them. Mr Gage moved to lay the resolution on the table till Monday next; which was lost. Yeas 29—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barker, Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Clark, Clough, Cole, Colgin, Coopwood, Duke, Dupuy, Edmondson, Foster, George, Harris, Hodges, Hudson, Lea, Metcalfe, Mims, Parker, Pickens, Richardson, Sanders, Terry, Walker of D. Weissinger.—Those who voted in the negative are, messrs Speaker, Anderson, Banks, Barton, Brandon, Brown, Dale, Durrett, Fearn, Flournoy, Hill, Lane, Lawler, Lewis of m. Mardis, Massey, Mobley, Musgrove, McElderry, Parsons, Penn, Perkins, Rogers, Russell, Salter, Smith of L. Sykes, Tarver, Townsend of m. Walker of D. and Whitfield.

Mr Bridges moved to postpone the further consideration of the resolution until the first day of the next meeting of the general assembly; which was lost. Yeas 28—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are, messrs Ambrister, Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Clark, Clough, Cole, Colgin, Coopwood, Duke, Edmondson, Gage, Harris, Hodges, Hudson, Lea, Metcalfe, Mims, McElderry, Parker, Pickens, Richardson, Terry, Walker of D. Walker of m. Weissinger.—Those who voted in the negative are, messrs Speaker, Anderson, Banks, Barker, Barton, Brandon, Brown, Dale, Durrett, Fearn, Flournoy, Foster, Hill, Lane, Lawler, Lewis of m. Mardis, Massey, Mobley, Musgrove, Parsons, Penn, Perkins, Rogers, Russell, Salter, Sanders, Smith of J. Smith of L. Tarver, Townsend of m. and Whitfield.

Mr Coopwood moved to amend the resolution with the following words: 'of two thirds of both houses of the general assembly; which was lost. Mr Bonnell moved to lay the resolution on the table till five o'clock tomorrow; which was lost. The question was then on the adoption of the resolution and carried: Mr Hodges called for the yeas and nays, Yeas 30—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barton, Brandon, Brown, Dale, Durrett, Fearn, Flournoy, Foster, Lane, Lawler, Lewis of m. Mardis, Massey, Mobley, Musgrove, Parsons, Penn, Perkins, Rogers, Russell, Salter, Smith of J. Smith of L. Tarver, Townsend of m. Whitfield.—Those who voted in the negative are, messrs Bibb of L. Bibb of m. Bonnell, Bridges, Broadnax, Clark, Clough, Cole, Colgin, Coopwood, Duke, Edmondson, Gage, Harris, Hill, Hodges, Hudson, Lea, Metcalfe, Mims, Pickens, Richardson, Sanders, Terry, Walker of D. Walker of m. and Weissinger.

Mr Sanders made the following report: The committee on enrolled bills have examined and find correctly enrolled bills originating in the Senate of the following titles, to wit: an act to change the times of holding the fall terms of the courts in the 2d judicial circuit; an act in relation to the appointment and duties of trustees; an act to authorize the county court of Franklin county to levy a special tax for a certain purpose therein mentioned; an act to incorporate the Canton academy in the county of Wilcox and for other purposes.

The bill from the Senate entitled an act to increase the salary of the quartermaster general, was read a third time and passed. *Ordered*, that



the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate, by *Mr Lyon*: *Mr Speaker*, I am instructed by the Senate to inform your honorable body that they decline the appointment of a committee of conference on the subject of the disagreement between the two houses, in relation to the amendments made by the Senate to the bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes. They have rejected a bill which originated in the House entitled an act supplemental to an act passed at the present session of the general assembly entitled an act to enable the state of Alabama to sell and dispose of certain lands therein named. They have passed bills which originated in the House of Representatives entitled an act to ascertain the voice of the people of Pickens county relative to the removal of their present seat of justice; and an act to alter the time of holding the courts in the sixth circuit; and have amended the latter bill as herewith shown; in which they ask your concurrence. They concur in the amendment made by the house to the bill entitled an act to authorize the employment of an additional clerk of the bank of the state of Alabama. They recede from their disagreement to the amendment made by the House of Representatives to the bill entitled an act to prevent extortion by public officers and for other purposes. They have passed a bill which originated in the House of Representatives entitled an act making appropriations for certain claims against the state, and have amended the same by adding thereto sundry additional sections, which accompany the bill, and in which they desire the concurrence of the House of Representatives.

*Ordered*, That the House concur in the amendments made by the Senate to the bill entitled an act making appropriations for certain claims against the state.

*Ordered*, That the House concur in the amendments made by the Senate to the bill entitled an act to change the times of holding the courts in the sixth circuit.

A message from the Governor, by James I. Thornton: *January 23, 1829*—*Mr Speaker*, I am instructed by the Governor to inform your honorable body that he did on the 26th inst approve and sign the following bills: an act for the relief of Benjamin S. Brunley; an act for the relief of Jeremiah W. Thomas, taxcollector for Lawrence county; joint memorial to the congress of the United States in favor of Col David White. And on the 27th inst. joint memorial to the congress of the United States asking relief for the purchasers of public lands and for other purposes; an act for the payment of Martin Wells; an act to arrange, designate and establish the boundaries between the counties of Butler, Lile and Covington, and for other purposes; an act for the relief of Eliza Duvall, sheriff of Walker county; an act to alter the boundary line between the counties of Mobile and Washington; an act for the relief of Wm. May and James Reynolds; an act to exempt persons from performing military duty in this state therein named; an act to authorize the Governor to procure copies of the state map; an act to change the times of holding the courts of commissioners of roads and revenue in the county of Franklin; an act to amend an act entitled an act to establish and improve a certain road therein mentioned, approved Jan. 13, 1826; and an act for the relief of Smith Evans of Greene county. All of which originated in the House of Representatives.

The bill from the Senate entitled an act to extend the jurisdiction of the state of Alabama over the Creek nation, was read a third time. *Mr*

Lewis of m. moved to amend the bill by adding thereto an additional section No 6, by way of engrossed ryder; which was carried. Mr Flournoy moved to amend the bill by adding thereto the following :

Sec. 8. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of the county of Pickens be extended over all that territory within the chartered limits of this state, north of a line running directly west from the point where the southern boundary line of the county of Pickens strikes the Tombecbe river to the dividing line between this state and the state of Mississippi, and south of the county of Monroe, in said state of Mississippi.

Sec. 9. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of the county of Greene be extended over all that territory within the chartered limits of this state lying between a direct line running west from the point where the northern boundary line of said county of Greene strikes the Tombecbe river to the dividing line between this state and the state of Mississippi, and direct line running west from the point where the southern boundary line of the county of Greene strikes the Tombecbe river to the dividing line between this state and the state of Mississippi.

Sec. 10. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of the county of Washington be extended over all that territory within the chartered limits of this state, lying south of a direct line running west from the point where the northern boundary line of the county of Marengo strikes the Tombecbe river to the dividing line between this state and the state of Mississippi, and north of the county of Washington.

Sec. 11. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of the county of Franklin be extended over all that territory within the chartered limits of this state south of the Tennessee river and west of the counties of Franklin and Marion now occupied by the Chickasaw tribe of Indians.

Sec. 12. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of the county of Jackson be extended over all that territory within the chartered limits of this state now occupied by the Cherokee Indians included within the following bounds to wit : commencing at Fort Deposit, and running thence along the old military road to the point where said road intersects the line of Blount county ; thence east to the top of the mountain ; thence north along said mountain to the line of the state of Georgia ; and thence along said line to the line of the state of Tennessee.

Sec. 13. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of St. Clair county be extended over all that territory within the chartered limits of this state now occupied by the Cherokee tribe of Indians, included within the following bounds to wit : commencing at the northeast corner of the county of St. Clair on the Raccoon mountain ; running thence northeastwardly along the eastern height of said mountain to the line of the state of Georgia ; thence southwardly along the line of the state of Georgia until said line intersects the dividing line between the Cherokee and Creek tribes of Indians ; and thence westwardly with said last mentioned line to the mouth of Wilds' creek ; and thence to the point of beginning.

Sec. 14. And be it further enacted, That the civil and criminal jurisdiction of the circuit court of Blount county be extended over all that territory within the chartered limits of this state, included within the following bounds, to wit : commencing at the southeastern corner of Blount county ; and running thence in a direct line the nearest way to the old military road ; and, thence north along said road to Fort Deposit on Tennessee river ; and thence down said river to the line of Morgan county.

Sec. 15. And be it further enacted, That all white persons within the territory over which the civil and criminal jurisdiction of the counties of Pickens, Greene, Marengo, Franklin, Jackson, St. Clair and Blount, has been extended be and they are hereby declared to be subject to the same taxation as is or may be by law, imposed on other citizens of those counties respectively.

The question on Mr Flournoy's motion to amend the bill by way of the foregoing sections by way of engrossed ryder, being then pending, the House adjourned until this evening, 3 o'clock.

*Evening Session, 3 o'clock.*—The House met pursuant to adjournment.

Engrossed bills of the following titles, to wit: An act making appropriations for the year 1829; an act to divide the 21st regiment of the militia of this state and for other purposes; an act to amend an act entitled an act to provide for the permanent seat of justice in the county of Walker passed 15th Jan. 1828; an act to reduce into one the several acts allowing fees to sheriffs; an act to repeal in part and amend a certain act therein named concerning strays; an act to amend an act concerning forcible entries and detainers; an act to establish a certain election precinct therein named; an act to provide for the sale of a certain lot of land in the town of Cahawba to Joseph Babcock; an act to amend the several acts

concerning the town of Whiteburg, in Madison county; joint memorial from the Senate to the congress of the United States, asking a postponement of the land sales in the counties of Jackson and Madison, and a change of the law regulating such sales, and to allow to occupants a preemption right;—were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence, and that the clerk acquaint the Senate as to the passage of the memorial as above mentioned.

Mr Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in the House, of the following titles, to wit: An act to establish a ferry at Gainstown, in the county of Monroe, and for other purposes; an act to emancipate a certain slave therein named; an act to incorporate the Montgomery wharf and steamboat company.

The bill entitled an act to amend an act concerning the town of Triana, in the county of Madison, passed 22d December, 1826, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then considered engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The House resumed the consideration of Mr Flournoy's motion to amend the bill entitled an act to extend the jurisdiction of the state of Alabama over the Creek Nation. The question was on the adoption of the first four sections of Mr Flournoy's amendment, and lost. Yeas 24—Nays 33.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Barton, Colgin, Coopwood, Duke, Dupuy, Durrett, Flournoy, George, Harris, Hodges, Hudson, Metcalfe, Musgrove, Parker, Perkins, Rogers, Smith of J. Townsend of m. Welbourne and Whitfield.—Those who voted in the negative are, messrs Bibb of L. Bibb of m. Bonnel, Brandon, Bridges, Broadnax, Brown, Clark, Clough, Cole, Dale, Edmondson, Fearn, Foster, Hill, Lane, Lawler, Lea, Lewis of m. Mardis, Massey, McElderry, Parsons, Penn, Pickens, Richardson, Russell, Salter, Sanders, Smith of L. Sykes, Tarrer, Weissinger.*

The question was then on the remaining sections of Mr Flournoy's motion, and lost. Mr Lewis of m. moved to amend the bill by way of engrossed ryder, by adding thereto section No 7; which was carried. Mr Barton moved to recommit the bill to a special committee, with instructions so to amend it as to provide that no part of the law shall go into operation earlier than after the next session of the General Assembly, with instructions to report the same in one half hour; which was lost. The bill was then passed. Yeas 37—Nays 23.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Anderson, Banks, Barker, Bibb of m. Bonnell, Brandon, Broadnax, Clough, Colgin, Coopwood, Dale, Dupuy, Fearn, Foster, Hill, Hodges, Hudson, Lawler, Lea, Lewis of m. Mardis, Massey, Mobley, Musgrove, Parker, Parsons, Penn, Rogers, Russell, Salter, Smith of J. Sanders, Tarver, Terry, Walker of m. and Weissinger.—Those who voted in the negative are, messrs Barton, Bibb of L. Bridges, Brown, Clark, Cole, Duke, Durrett, Edmondson, Flournoy, Gage, George, Harris, Lane, Metcalfe, McElderry, Perkins, Pickens, Richardson, Smith of L. Sykes, Townsend of m. and Whitfield.*

*Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr Lyon: Mr Speaker, The Senate have adopted the following resolutions, in which they desire the concurrence of the House of Representatives: *Resolved*, That a committee be appointed on the part of the Senate to act with such committee as may

be appointed by the House of Representatives, to wait on his excellency the Governor, and inform him that the two Houses will be ready to adjourn *sine die* on Thursday evening the 29th inst. if he has no further communications to make. They have appointed a committee on their part, consisting of messrs Merriwether, Perry and Walthall; on the part of the House, messrs Perkins, Bridges and Anderson. They disagree to the resolution of the House of Representatives, rescinding the resolution of the two Houses proposing to adjourn *sine die* on tomorrow evening at 3 o'clock. They concur in the amendment made by the House to the bill entitled an act to increase the salary of the quartermaster general. They have passed a bill, which originated in their House, entitled an act to establish an election precinct therein named and for other purposes; in which they desire your concurrence. They have passed bills, which originated in the House of Representatives, entitled an act to change the time of holding the circuit courts in the counties of Shelby and St Clair; and an act making appropriations for the year 1829, and have amended the 4th section of the bill in the manner herewith shewn; in which they desire your concurrence.

*Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act making appropriations for the year 1829.

The bill from the Senate entitled an act to establish an election precinct therein named and for other purposes, was read and laid on the table until Monday next.

Joint resolutions from the Senate proposing amendments to the constitution of this state, so as to have biennial sessions of the General Assembly thereof, was read a third time, and the question being put, shall this resolution pass? it was determined in the affirmative. Yeas 48—Nays 15.

*The yeas and nays being desired, those who voted in the affirmative are messrs Speakers, Ambuster, Anderson, Barker, Bibb of L. Bibb of m. Bonnell, Brandon, Bridges, Brown, Clough, Colgin, Chapman, Duke, Dapuy, Durrett, Edmondson, Evans, Farnham, Foster, George, Harris, Hill, Hodges, Hudson, Lawler, Mardis, Messers, Metcalf, Mims, Musgrave, McIlhenny, Parker, Parsons, Penn, Pickens, Richerson, Rogers, Russell, Satter, Sanders, Smith of J. Smith of L. Sykes, Tinsler, Walker of D. Walker of m. and Whitborne — Those who voted in the negative are, messrs Banks, Barton, Broadnax, Clark, Cole, Dale, Lane, Lee, Lewis of m. Mahley, Perkins, Terry, Thomas of m. Whissinger, Whitfield.*

The House adjourned till tomorrow, half past 9 o'clock.

*Thursday, January 29, 1829.*

The House met pursuant to adjournment.

Mr Fearn offered the following: Mr President, The House of Representatives have instructed me to return to the Senate a bill which originated in the House of Representatives, entitled an act to appoint canal commissioners for the improvement of the Tennessee river and for other purposes, and to refer your honorable body to the message which accompanied the request for a conference concerning the matters of disagreement of that bill for information concerning the proceedings of the House of Representatives in relation to the amendments made thereto by your body.

Mr Parsons, from the select committee to which was referred the bill to be entitled an act supplemental to an act, passed at the present session of the General Assembly, entitled an act to extend the terms of the Mobile circuit court, reported the same without amendment; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

The bill entitled an act to appropriate and set apart the interest accruing to the state in each and every year upon one hundred thousand dollars, funds of the university of Alabama, for the education of the extreme poor of the state and for other purposes. The amendments were then concurred in by the house, and the rule requiring bills to be read on three several days being dispensed with, the bill was then considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to divorce Margaret Trimble from her husband Robert C. Trimble, was read a third time; and the question being put, Shall this bill pass? it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 32—Nays 5.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Bibb of L. Bibb of M. Brandon, Bridges, Brown, Clark, Clough, Coopwood, Dale, Dupuy, Edmondson, Flournoy, Foster, George, Hudson, Lane, Mardis, Massey, McElderry, Parsons, Penn, Pickens, Richardson, Sanders, Smith of J. Townend of A. and Whitfield.*

*Those who voted in the negative are, messrs Duke, Mobley, Salter, Smith of L. and Weissinger.*

*Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate entitled an act to divorce Robert C. Price from Elizabeth Price, was read a third time and passed, there being a constitutional majority voting in favor of its passage. Yeas 39—Nays 3.

Those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Banks, Barker, Bibb of L. Bibb of M. Bridges, Brown, Clark, Clough, Cole, Colgin, Coopwood, Dale, Dupuy, Edmondson, Flournoy, Foster, George, Hill, Hudson, Lane, Lawler Mardis, Massey, Mobley, Musgrove, McElderry, Parsons, Penn, Pickens, Robinson, Salter, Sanders, Smith of J. Smith of L. Townsend of M. Whitfield—Those who voted in the negative are, messrs Duke, Metcalfe, Weissinger.

*Ordered*, that the title be as aforesaid. *Ordered*, that same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to amend the law now in force in relation to the change of venue in civil causes and for other purposes, being under consideration. The question was on the passage of the bill and lost. Yeas 23—Nays 23.

Those who voted in the affirmative are, messrs Ambrister, Anderson, Banks, Barker, Bibb of M. Bibb of L. Dale, Fearn, George, Harris, Lane, Lewis of M. Massey, Mobley, McElderry, Parsons, Penn, Rogers, Smith of J. Terry, Townsend of M. Wellborne, Whitfield—23.—Those who voted in the negative are, messrs Brandon, Bridges, Brown, Clark, Clough, Cole, Coopwood, Duke, Dupuy, Edmondson, Flournoy, Hodges, Hudson, Lawler, Mims, Mardis, Musgrove, Parker, Pickens, Richardson, Salter, Sanders Weissinger—23.

Engrossed bills of the following titles, to wit: an act to repeal in part and amend an act entitled an act defining the liability of endorsers and for other purposes, approved Jan. 15, 1826; an act to incorporate the town of Cottonport—were severally read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act amendatory of an act entitled an act establishing schools in the county of Mobile, passed Jan. 10, 1826, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a third time, considered as engrossed and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr Fearn moved that the orders of the day be dispensed with, with the view to introduce a bill to be entitled an act supplementary to an act to enable the state of Alabama to sell and dispose of certain lands therein named, passed at the present session of the general assembly; which was lost. Yeas 22—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambriester, Barker, Bibb of L. Bibb of m. Brandon, Durrett, Edmondson, Fearn, Flournoy, George, Harris, Lewis of m. Mobley, McElderry, Parsons, Penn, Rogers, Sanders, Smith of J. Smith of L. and Whitfield—Those who voted in the negative are, messrs Banks, Barton, Bonnell, Broadnax, Brown, Clark, Clough, Cole, Colgin, Coopwood, Dale, Duke, Foster, Hill, Hodges, Lane, Lawler, Lea, Mardis, Metcalfe, Mims, Parker, Salter, Pickens, Terry, Townsend of m. and Weissinger.

Mr Fearn moved to spread the bill on the journals; which was carried.

A bill to be entitled an act supplementary to an act to enable the state of Alabama to sell and dispose of certain lands therein named, passed at the present session of the General Assembly.—Be it enacted by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That the money arising from the sale of the relinquished and unappropriated lands, as provided for in the act to which this is a supplement, shall be deposited specially in the Bank of the State of Alabama, and that the President and Director of said Bank shall not be authorized to use the same in any manner whatsoever, except it be to pay over upon the check of the Treasurer of the state according to the acts of the General Assembly appropriating the same.

Mr Flournoy moved to suspend the orders of the day with a view to reconsider the vote taken on the rejection of the bill entitled an act to amend the law now in force in relation to the change of venue in civil cases and for other purposes; which was carried. Yeas 31—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are, messrs Ambriester, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Brandon, Broadnax, Dale, Durrett, Fearn, Foster, George, Harris, Hill, Lea, Lane, Massey, Mobley, Parsons, Penn, Perkins, Rogers, Russell, Smith of J. Sykes, Tarver, Whitfield and Wellbourne.—Those who voted in the negative are, messrs Bridges, Brown, Clark, Clough, Cole, Coopwood, Duke, Flournoy, Hodges, Lawler, Lewis of m. Mardis, Metcalfe, Mims, McElderry, Parker, Pickens, Richardson, Salter, Sanders, Terry, Townsend of m. Walker of D. and Weissinger.

The bill was again put on its passage. Mr Coopwood moved to amend the bill by way of the following engrossed rider: 'provided that this act shall not be in force until the first day of June next;' which was lost. And the question being put, shall this bill pass? it was determined in the affirmative. Yeas 30—Nays 23.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Ambriester, Anderson, Banks, Barker, Barton, Bibb of L. Bibb of m. Bonnell, Broadnax, Dale, Durrett, Fearn, Foster, Harris, Lane, Lea, Massey, Mobley, McElderry, Parsons, Penn, Perkins, Russell, Smith of J. Sykes, Tarver, Terry, Townsend of m. Wellborne and Whitfield.—Those who voted in the negative are, messrs Bridges, Brown, Clark, Clough, Cole, Coopwood, Duke, Flournoy, Hodges, Hudson, Lawler, Lewis of m. Mardis, Metcalf, Mims, Musgrove, Parker, Pickens, Richardson, Salter, Sanders, Walker of D. Weissinger.*

A message from the Senate by Mr Crabb: Mr Speaker, The Senate have passed a bill which originated in the House of Representatives entitled an act to divide the twenty first regiment of the militia of this state and for other purposes; and have amended the same by adding thereto two additional sections: in which they ask the concurrence of the House of Representatives.

In which amendments the House concurred.

On motion of Mr Barton, *Resolved unanimously*, That the thanks of this House are due and are hereby tendered to the Speaker of this House for the promptness, integrity and ability with which he has discharged the arduous duties of the chair during the present session.

Mr Perkins made the following report: The committee appointed on the part of this House, to act with the committee appointed on the part of the Senate, to inform his Excellency the Governor that the General Assembly would be ready to ad-

Journ on this day at 5 o'clock, PM. and to inquire if he had any further communication to make, and have performed that duty received for answer that he had no further communication to make to the General Assembly.

The bill to be entitled an act for the relief of the legal representatives of Charles Peterson, dec'd, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Barton, from the committee on the state of the republic to which was referred the report and joint resolutions from the Senate on the subject of the tariff of 1828, reported the same with sundry amendments; which were concurred in by the House. The resolution was then read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Governor by James I. Thornton, which is as follows:

*January 29th, 1829.*—*Mr Speaker*, I am instructed by the Governor, to inform your Honorable body, that he did on the 28th inst. approve and sign the following bills: an act for the better organization of the Morgan Cavalry; an act to emancipate a certain slave therein named; an act to incorporate the Mobile Marine Railway and Insurance Company; an act concerning the fees of Clerks and Sheriffs; an act to incorporate Canton Academy, in the county of Wilcox and for other purposes; an act to authorize the county court of Franklin county to levy a special tax for a certain purpose therein mentioned; an act to divorce Benjamin D. Hassell from his wife Mary Hassell; an act in relation to the appointment and duties of Trustees; an act to change the times of holding the fall terms of the courts in the second judicial circuit; an act to authorize the Trustees of the University of the State of Alabama to sell and dispose of the unsold University lands; an act to amend an act entitled an act to reduce into one the several acts, concerning roads, bridges, ferries and highways, passed January 12th, 1827; an act supplemental to an act entitled an act for the relief of Stith Evans, of Greene county, passed at the present session of the General Assembly; joint memorial to the Congress of the United States, asking an extension of the circuit system of the federal judiciary to the western and south-western States of the Union; and a joint memorial of the two Houses of the General Assembly of the State of Alabama to the Congress of the United States, requesting that the unappropriated lands within the State of Alabama may be ceded to the State for the purposes of internal improvement and education therein.

Engrossed bills of the following titles, to wit: An act to repeal an act authorizing the removal of the Tonbeckbe Bank; an act to change the name of, and legitimate a certain person therein named.

*Mr Ferry* in the chair. *Mr Clay* offered the following resolution: *Resolved*, That the Clerk of this House forthwith employ as many additional clerks as may be necessary to enroll the bills; which was adopted.

*Mr Sanders* offered the following resolution: *Resolved*, That this House will to day at the hour of one o'clock P. M. postpone the further consideration of the orders of the day until the meeting of the next General Assembly; which was lost.

The engrossed bill entitled an act to secure the testimony of absent witnesses in certain cases therein specified, was read a third time. *Mr Flournoy* moved that the farther consideration of the bill be indefinitely postponed; which was lost. *Mr Brandon* moved to amend the bill by way of the following engrossed rider, to the 8th sec. *provided*, the clerk shall not be compelled to take from the post office any deposition, upon which the postage is not paid. The bill was then passed. *Ordered*, That the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to amend an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, passed 12th January, 1827, was read the second time. *Mr Brandon* moved to amend the bill by way of the following proviso: *provided*, no hands shall be compelled to work more than ten days in the year upon roads, but overseers may keep a sufficient number of hands in reserve to remove trees and other temporary obstructions; which was adopted. The bill was then laid on the table.

*Mr Ferry* in the chair. *Mr Clay* obtained leave to introduce a bill to be entitled an act making further appropriations for the payment of the officers of the present

General Assembly, and for other purposes; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time. Mr Perkins moved to amend it by adding thereto, sundry additional sections, which was carried; and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate concur in the several amendments made by the House of Representatives, to the bill entitled an act to extend the laws of Alabama over the Territory acquired by the Treaty of the Indian Springs. They disagree to the several amendments made by the House to the joint resolutions proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof. They concur in the amendments made by the House to the bill entitled an act to allow M. D. Williams additional compensation for his services as a commissioner to close the unsettled accounts between the States of Alabama and Mississippi. They have passed bills which originated in the House of Representatives of the following titles, to wit: An act to amend an act concerning the town of Triana, in the county of Madison, passed the 22nd December 1826; an act to establish a certain election precinct therein named; an act to repeal in part and amend a certain act therein named concerning strays. They have postponed until the first day of the next session of the General Assembly, the bill which originated in the House entitled an act to amend an act concerning forcible entries and detainers. They have also postponed until the same time, the bill which originated in the House of Representatives, entitled an act concerning the town of Whitesburg, in the county of Madison. They have passed a bill which originated in the House, entitled an act to provide for the sale of a lot of land in the town of Cahawba to Joseph Babcock.

Mr Bibb of L. moved that the House recede from their amendments to the joint resolutions from the Senate, proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, by striking out the word *four* with a view to insert *two*, in relation to the term of service of the Senators; which was lost. Yeas 7—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are, messrs Barton, Bibb of L. Bonnell, Coopwood, Hodges, Hudson and nims

Those who voted in the negative are, messrs Speaker, Ambrister, Anderson Banks, Barker, Bibb of m. Brandon, Broadnax, Clark, Clough, Colgin, Dale, Durrett, Edmondson, Fearn, Foster, Lane, Lawler, Lewis of m. Massey, Mobley, Musgrove, m'Elderry, Parker, Parsons, Perkins, Russell, Salter, Sanders, Smith of J. Smith of L. Tarver, Terry, Townsend of m. Walker of D. Walker of m. Weissinger and Whitfield.

Mr Terry in the chair. Mr Clay moved that the House adhere to their said amendment; which was carried. Mr Clay moved that the House adhere to their 2d amendment, in these words, 'existing at the adoption of the constitution;' which was carried. Mr Lewis of m. moved that the House recede from their amendments by adding the first proviso; which was carried. Yeas 28—Nays 22.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson Barker, Bibb of L. Bibb of m. Brandon, Cole, Colgin, Coopwood, Durrett, Edmondson, Fearn, Harris, Hill, Hodges, Hudson, Lewis of m. Mardis, Massey, Mobley, Musgrove, Penn. Rogers, Sanders, Smith of J. Smith of L. and Walker of m. — Those who voted in the negative are, messrs Banks, Barton, Bonnell, Broadnax, Clark, Clough, Dale, Duke, Foster, Lane, Lawler, Parker, Parsons, Perkins, Pickens, Richardson, Salter, Terry, Townsend of m. Walker of D. Weissinger and Whitfield.*

*Ordered*, That the House adhere to their said amendment. Mr Bibb of L. moved to recede from the amendment as it relates to the size of the counties as to territorial square miles; which was carried. Yeas 27—Nays 24.

*The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker, Ambrister, Anderson, Bibb of m. Bibb of L. Clark, Cole, Coopwood, Duke, Durrett, Edmondson, Fearn, Harris, Hill, Hudson, Hodges, Lea, Massey, Musgrove, Russell, Sanders, Smith of J. Smith of L. Terry, Walker of m. and Weissinger. — Those who voted in the negative are, messrs Bonnell, Bridges, Broadnax, Brown, Clough, Colgin, Dale, Foster, Lane, Lawler, Mardis, Mobley,*



*Parker, Parsons, Perkins, Pickens, Richardson, Rogers, Salter, Tarver, Townsend of m. Walker of D. and Whitfield.*

Mr Ferry, as Speaker pro tem decided that it requires two-thirds of the members voting to recede from any proposed amendments to the constitution. From which decision Mr Fearn appealed. Those who voted for sustaining Mr Ferry in the decision are, messrs Banks, Barton, Bonnell, Bridges, Brown, Clough, Colgin, Dale Foster, Lane, Mims, Mobley, Salter, Tarver and Whitfield.—Those who voted in opposition to the decision are, messrs Speaker, Ambrister, Anderson, Barker, Bibb of L. Bibb of m. Broadnax, Clark, Cole, Coopwood, Durrett, Edmondson, Fearn Harris, Hill, Hodges, Hudson, Lea, Massey, Musgrove, Parsons, Pickens, Richardson, Rogers, Sanders, Smith of J. Smith of L. Walker of m. and Weissinger.

Mr Walker of D. made the following report: The committee on enrolled bills have examined and find correctly enrolled a bill originating in the Senate of the following title, to wit: an act to amend an act entitled an act to authorize the sales of sixteenth sections and for other purposes; and a bill originating in this House entitled an act to establish a certain election precinct therein named.

Mr Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled bills originating in this house of the following titles, to wit: an act making appropriations for certain claims against the state; an act to change the times of holding the circuit courts in the counties of Shelby and St. Clair; an act to ascertain the voice of the people of Pickens county relative to the removal of their present seat of justice; an act to alter the times of holding the courts in the sixth circuit; an act to repeal in part and amend a certain act therein named, concerning strays; an act concerning the town of Triana in the county of Madison, passed 22d Dec. 1826.

And then the house adjourned till this evening 3 o'clock.

*Evening Session 3 o'clock.*—The house met according to adjournment.

Mr Sanders made the following report: The committee on enrolled bills have examined and find correctly enrolled bills which originated in the Senate of the following titles, to wit: an act to authorize the employment an additional clerk for the bank of the state of Alabama; an act to compel the president and trustees of the town of Moulton, to keep their streets in repair and for other purposes; an act supplementary to an act to incorporate the Cahawba navigation company; an act to change the times of holding the county courts of Jackson county and for other purposes; an act to increase the salary of the Quartermaster General; an act which originated in the house of representatives making appropriations for the year 1829; an act to provide for the sale of a lot of land in the town of Cahawba to Joseph Babcock.

Mr Clark made the following report: The committee on enrolled bills report as correctly enrolled a bill which originated in this house entitled an act to divide the 21st regiment of the militia of this state, and for other purposes.

Engrossed bills from the Senate of the following titles, to wit: an act to repeal in part and amend an act entitled an act concerning roads, highways, bridges and ferries, in the county of Mobile, approved 15th Jan. 1828; an act approving and confirming the compact made by the governors of the states of Mississippi and Alabama, in relation to the unsettled accounts between the two states; were severally read a third time and passed. Ordered, that their titles be as aforesaid.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate have postponed until the first day of the next session of the general assembly a bill which originated in the house of representatives entitled an act to reduce into one the several acts allowing fees to sheriffs. They have passed a bill which originated in the house of representatives entitled an act to amend an act entitled an act to provide for the establishment of the permanent seat of justice in the county of Walker, passed the 15th Jan. 1828. They have postponed until the first of the next session of the general assembly by a bill which originated in the house of representatives entitled an act to appropriate and set apart the interest accruing to the state each and every year upon \$100,000 funds of the university of Alabama for the education of the extreme poor of the state, and for other purposes; and an act to amend the law now in force in relation to the change of venue in civil causes, and for other purposes. They have passed bills which originated in the house entitled an act to incorporate the town of Cottonport; an act amendatory of an act entitled an act establishing schools in the county of Mobile, passed Jan. 10th, 1826; an act supplementary to an act passed at the present session of the general assembly entitled an act to extend the terms of Mobile circuit court; an act to repeal in part and amend an act entitled an act defining the liability of indorsers, and for other purposes, approved

Jan. 18th, 1823; an act to divorce Margaret Trimble from her husband Robert Trimble; an act for the relief of the legal representatives of Charles Leeson. The Senate concur in the amendment made by the house of representatives to the report and joint resolutions on the subject of the tariff of 1828. The Senate have passed a bill which originated in the house of the following title to wit: an act to change the name of and legitimate a certain person therein named.

The bill to be entitled an act to compensate the comptroller of public accounts for additional services imposed on him by an act of the present general assembly, was laid on table until Monday next.

The engrossed bill entitled an act for the relief of the securities of Daniel Harrison, taxcollector of the county of Bibb, for the year 1828, was read the second time. Mr Barton moved to strike out the preamble; which was carried. Mr Fern moved to strike out the word 'January' with a view to insert 'December'; which was lost. And the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith, considered as engrossed and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The engrossed bill from the Senate entitled an act for the relief of David M. Smithson, was read a 2d time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a 3d time forthwith. Mr Inneson moved that the bill lie on the table until the first day of the next general assembly; which was lost. Mr Hudson then moved to strike out the words 'either of the counties of Franklin, Lawrence, or Lauderdale, as the said David M. Smithson may select,' with a view to insert in lieu thereof the words 'Morgan county.' Strike out of the 2d line of the 2d section the words 'either of the counties' and insert 'the county' in lieu thereof; which was carried. Mr Bibb of m. moved to strike out the preamble of the bill; which was carried. The bill was then passed. Ordered, that title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled a bill originating in the Senate entitled an act to prevent extortion by public officers and for other purposes; also, a bill originating in this house, entitled an act supplemental to an act passed at the present session of the general assembly entitled an act to extend the terms of the mobile circuit court.

The engrossed bill from the Senate entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Limestone county to appoint some suitable person to transcribe certain parts of the records of the county court aforesaid, was read a 3d time and passed. Ordered, that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate have postponed until the first day of the next session a bill which originated in the house entitled an act to secure the testimony of absent witnesses in certain cases therein specified. They adhere to the disagreement to the amendments made by the House to the joint resolutions proposing amendments to the constitution of the state of Alabama, so as to have biennial sessions of the general assembly thereof. They have passed bills which originated in the House of Representatives entitled an act making further appropriations for the payment of the officers of the present general assembly and for other purposes; an act for the relief of the securities of Daniel Harrison, taxcollector of Bibb county for the year 1828.

The engrossed bills of the following titles, to wit: An act to authorize James Taylor to keep in repair a bridge by himself built across Will's creek in St. Clair county and for other other purposes; an act authorizing a lottery for the benefit of Rising Virtue lodge No 4, in the town of Tuscaloosa; were severally read a third time and passed.

Mr Colgin moved that the House concur in the report of the committee on agriculture and manufactures; which was carried.

The engrossed bill entitled an act to establish a road from Greensborough to Mobile and for other purposes, was read a 3d time. Mr Andersen moved to amend the bill by adding thereto an additional section by way of engrossed rider, which is as follows: And be it further enacted, that the state of Alabama shall pay for cutting out and keeping in repair said road, so far as it runs thro' Marengo county, to be paid out of any money in the state treasury not otherwise appropriated; which was lost.

The bill was then passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate concur in the amendment made by the House of Representatives to the bill entitled an act for the relief of David M. Smithson. They have passed a bill, which originated in the House of Representatives, entitled an act to authorize James Taylor to keep in repair a bridge by him built across Wills' creek, in St Clair county, and for other purposes. They have also adopted the following resolution: Resolved, that the House of Representatives be informed that the Senate have finished all the business before them, and are now ready to adjourn SINE DIE.

The engrossed bill entitled an act more effectually to provide for the advertising of lands and negroes, levied on by the sheriff of Montgomery county, and for other purposes, was read a third time. Mr Townsend of M. moved to amend the bill by way of engrossing rider; which was carried. The bill was then passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr Coopwood moved to postpone the orders of the day until tomorrow, 10 o'clock; which was carried.

A message from the Senate by Mr Lyon: Mr Speaker, The Senate have passed a bill which originated in the House of Representatives, entitled an act authorizing a lottery for the benefit of Rising Virtue, lodge No 4, in the town of Tuscaloosa. They have also passed a bill, which originated in the House, entitled an act more effectually to provide for the advertising of lands and negroes, levied on by the sheriff of Montgomery county, and for other purposes, and have amended the same as herewith shewn; in which they ask your concurrence. They have postponed until the first day of the next session, the bill entitled an act to establish a road from Greensborough to Mobile and for other purposes.

Ordered, that the House concur in the amendment made by the Senate to a bill entitled an act more effectually to provide for the advertising of lands and negroes levied on by the sheriff of Montgomery county and for other purposes. Ordered, that the clerk acquaint the Senate therewith.

Mr Sanders made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, which originated in the House of Representatives, of the following titles, to wit: An act to change the name of and legitimate a certain person therein named; an act to amend an act to provide for the establishment of the permanent seat of justice in the county of Walker, passed 15th Jan. 1823; an act to incorporate the town of Cottonport; an act to divorce Margaret Trimble from her husband Robert C. Trimble; an act to repeal in part an act to amend an act entitled an act defining the liability of owners and for other purposes; an act to be entitled an act for the relief of the securities of Daniel Harrison, tax collector for the county of Bibb for the year 1826; an act for the relief of the legal representatives of Charles Peerson; an act to authorize James Taylor to keep in repair a bridge by him built across Wills' creek, in St Clair county, and for other purposes; an act making further appropriations for the payment of the officers of the present General Assembly, and for other purposes; an act amendatory of an act entitled an act establishing schools in the county of Mobile, passed Jan. 10, 1824; an act more effectually to provide for the advertising of lands and negroes levied on by the sheriff of Montgomery county and for other purposes; an act authorizing a lottery for the benefit of Rising Virtue, lodge No 4, in the town of Tuscaloosa.

Mr Pickens made the following report: The committee on enrolled bills have examined and find correctly enrolled bills, originating in the Senate, of the following titles, to wit: An act to allow a liberal compensation to M. D. Williams and John D. Terrell for their services as commissioners to close the unsettled accounts between the States of Alabama and Mississippi; an act for the relief of David M. Smithson; an act to divorce Robert C. Price from Elizabeth Price;

Mr Clark made the following report: The committee on enrolled bills, report as correctly enrolled a bill to be entitled an act to provide for the taking the sense of the people of the county of Tuscaloosa, upon the subject of removing the site of the court-house, and for other purposes. Also a joint memorial to the Congress of the United States, asking a postponement of the land sales in Jackson and Madison counties, and a change of the law regulating such sales, and to allow to occupants a pre-emption right; an act to authorize the Judge of the county court and commissioners of revenue and roads of Limestone county, to appoint some suitable person to transcribe certain parts of the Records of the county court aforesaid; also, report and joint resolutions on the subject of the Tariff of 1828; both of which originated in the Senate.

A message from the Governor by James I. Thornton:

January, 29th 1829.—Mr Speaker, I am instructed by the Governor, to inform your honorable body, that he did on this day, approve and sign the following bills: An act to divide the twenty first Regiment of the Militia of this State, and for other purposes; an act concerning the town of Triana, in the county of Madison, passed the 22d of December, 1826; an act to establish a certain election precinct therein named; an act to alter

the times of holding courts in the sixth circuit; an act to repeal in part and amend a certain act therein named, concerning strays; an act making appropriations for certain claims against the State; an act authorizing a lottery for the benefit of Rising Virtue Lodge, No. 4, in the town of Tuscaloosa; an act more effectually to provide for advertising of lands and negroes levied on by the sheriff of Montgomery county, and for other purposes; an act making appropriations for the year 1829; an act to provide for the sale of a lot of land in the town of Cahawba to Joseph Babcock; an act amendatory of an act entitled an act establishing schools in the county of Mobile, passed January 10th 1826; an act supplemental to an act passed at the present session of the General Assembly, entitled an act to extend the terms of Mobile circuit court; an act to authorize James Taylor to keep in repair a bridge, by him built across Will's creek in St. Clair county, and for other purposes; joint resolutions to the Congress of the United States, requesting the survey of a canal route to connect the waters of the Tennessee and Coosa rivers; joint memorial to the Congress of the United States, asking a postponement of the land sales in Jackson and Madison counties, and a change of the law regulating such sales and to allow to occupants a pre-emption right; an act to amend an act entitled an act to authorize the sale of the sixteenth sections, and for other purposes; an act to amend an act entitled an act to provide for the establishment of a permanent seat of justice, in the county of Walker, passed the 15th January 1828; an act for the relief of the legal representatives of Charles Pearson; an act entitled an act to incorporate the town of Cottenport; an act for the relief of the securities of Daniel Harrison, taxcollector of the county of Bibb for the year 1828; an act to divorce Margaret Trimble from her husband Robert C. Trimble; an act to ascertain the voice of the people of Pickens county relative to the removal of their present seat of justice; an act to change the name of, and legitimate a person therein named; an act to provide for taking the sense of the people of the county of Tuscaloosa, upon the subject of removing the site of their court-house, and for other purposes; an act to divorce Robert C. Price from Elizabeth Price; an act to emancipate a certain slave therein named; an act to establish a Ferry at Gains town in the county of Monroe, and for other purposes, an act to incorporate the Montgomery wharf and steamboat company; an act to incorporate an Agricultural Society in the town of Greensborough; an act for the relief of Henry T. Anthony; an act investing the Mayor and Aldermen of the town of Tuscaloosa, with power of opening roads within the corporate limits of said town; an act to repeal in part and amend an act entitled an act defining the liability of enclosers, and for other purposes. All of which originated in the House of Representatives.

The House having unanimously adopted the vote of thanks, inserted in a preceding page, Mr SPEAKER rose and delivered the following address:

Gentlemen—The moment of our adjournment approaches. I beg leave to avail myself of this occasion to return my grateful acknowledgments for the flattering expression of approbation with which you have thought proper to honor me, as the presiding officer of this House. For this honor I am fully sensible that I am more indebted to that kind partiality and generous indulgence in which I confided on assuming the responsibility assigned me than to any peculiar merit of my own. The duties of the chair, at all times arduous, have, perhaps, been rendered more so on account of the more than ordinary number of interesting questions which have been presented during the present session, involving principles of the most important character to our own age, and consequences incalculably momentous to posterity. Upon some of those questions it has been my fortune to differ with gentlemen; for whose intelligence and exalted principles I entertain the most profound respect, but this difference of sentiment and opinion is the lot of humanity. And whilst I am ready to accord to others that they have been directed by a desire to promote the public good, according to their best views, I doubt not that they will reciprocate, to every just extent, this expression of liberality towards me. I trust we have matured into laws many measures which will be conducive to the public welfare; and I sincerely hope that we have been misled by error of judgment into the enactment of any one which will be found seriously detrimental to the prosperity or happiness of our country. We are now to separate—all of us for a season—some of us perhaps forever! May that kind providence which has sustained and preserved us since we assembled, protect and attend us to our respective homes, and suffer us to meet our families and friends in health and happiness. In conclusion suffer me to renew the assurance of my warmest thanks for the many evidences of confidence and esteem you have evinced towards me, and accept individually my best wishes for your future welfare and prosperity.

Mr Penn then moved that the House do now adjourn SINE DIE.

And then the House adjourned SINE DIE.

C. C. CLAY, *Speaker of the House of Representatives.*

ATTEST, F. B. FUNSTALL, Clerk of the House of Representatives.